

STATE OF ILLINOIS)
)
 COUNTY OF DU PAGE)

SS:

ORIGINAL

IN THE CIRCUIT COURT OF THE
 EIGHTEENTH JUDICIAL CIRCUIT
 DUPAGE COUNTY - WHEATON, ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS,)
 ex rel., JAMES E. RYAN, Attorney)
 General of the State of Illinois,)
 and ex rel. JOSEPH E. BIRKETT,)
 State's Attorney for DuPage County,)

Plaintiff,)

vs.)

No. 01 CH 62

THE LOCKFORMER COMPANY, a division)
 of MET-COIL SYSTEMS CORPORATION,)
 a Delaware corporation, and)
 HONEYWELL INTERNATIONAL, INC.,)
 a Delaware corporation,)

Defendants.)

The 206(a)(1) discovery deposition
 of REXNORD CORPORATION/RUDOLPH A. FUYS, JR.
 called by a certain Defendant for examination,
 pursuant to subpoena and pursuant to the
 provisions of the Code of Civil Procedure of the
 State of Illinois and the Rules of the Supreme
 Court thereof pertaining to the taking of
 depositions for the purpose of discovery, taken
 before Maribeth Reilly, Certified Shorthand
 Reporter and Notary Public within and for the
 County of DuPage and State of Illinois, at 3140

EPA Region 5 Records Ctr.



202611

1 Finley Road, Downers Grove, Illinois, on May 23,
2 2001, commencing at 10:00 a.m. o'clock a.m.

3 PRESENT:

4 MS. KENDRA POHN, Assistant Attorney
5 General of the State of Illinois
6 (Environmental Law Bureau
7 188 West Randolph Street
8 20th Floor
9 Chicago, Illinois 60601)
10 Appeared on behalf of the Plaintiff;

11 MR. DANIEL J. BIEDERMAN
12 (Chuhak & Tecson, P.C.
13 225 West Washington Street
14 Suite 1300
15 Chicago, Illinois 60606-3418)
16 Appeared on behalf of Defendant the
17 Lockformer Company

18 MR. JOSEPH F. MADONIA
19 (Wildman, Harrold, Allen & Dixon
20 225 West Wacker Drive
21 Chicago, Illinois 60606-1229)
22 Appeared on behalf of Defendant
23 Honeywell International, Inc.

24 MR. TODD R. WEINER
(McDermott, Will & Emery
227 West Monroe Street
Chicago, Illinois 60606-5096)
Appeared on behalf of Rexnord
Corporation.

ALSO PRESENT:

MR. GARY R. PERKOWITZ,
Environmental Services Manager,
Clayton Group Services.

REPORTED BY: MARIBETH REILLY, C.S.R.

I N D E X

WITNESS	EXAMINATION BY	PAGE
RUDOLPH A. FUYS,	Mr. Biederman	4
JR.	Ms. Pohn	120

E X H I B I T S

REXNORD DEPOSITION	MARKED
EXHIBIT NUMBER	FOR ID
1	46
2	81
3	113
4	114

* * * * *

1 (Witness duly sworn.)

2 RUDOLPH A. FUYS, JR. ,

3 called as a witness herein on behalf of a certain
4 Defendant, having been first duly sworn, was
5 examined and testified as follows:

6 EXAMINATION

7 BY

8 MR. BIEDERMAN:

9 Q. Sir, would you state and spell your
10 name for the record.

11 A. Rudolph -- The date?

12 Q. No, your name, please.

13 A. Name. Rudolph A. Fuys, Jr.

14 Q. Would you spell that please?

15 A. R-u-d-o-l-p-h, A., F-u-y-s, and J-r.

16 Q. By whom are you employed?

17 A. Rexnord Corporation.

18 Q. How long have you been employed by
19 Rexnord?

20 A. 22 years.

21 Q. And what is your current title with
22 the company?

23 A. Plant metallurgist and environmental
24 affairs manager.

1 Q. When you began with the company 22
2 years ago, do you recall what your title was?

3 A. Plant metallurgist.

4 Q. Plant metallurgist?

5 A. Yes.

6 Q. And I notice by your card that you
7 hold a Ph.D.; is that correct?

8 A. That's correct.

9 Q. And what areas is your Ph.D. in?

10 A. It's a joint degree; health science
11 and engineering.

12 Q. Prior to Rexnord, were you employed
13 professionally?

14 A. Yes.

15 Q. Who were you employed by?

16 A. I was employed with the American
17 Dental Association.

18 Q. How long were you employed by
19 American Dental?

20 A. Three to five years, I don't
21 remember.

22 Q. Do you live in the Downers Grove
23 area?

24 A. Yes, I do.

1 Q. Can you just generally describe for
2 me what your responsibilities are as the plant
3 metallurgist and environmental affairs manager?

4 A. Yes. I am responsible for
5 environmental compliance and also hazardous
6 communications programs, and also the plant
7 metallurgist duties, lab supervisor, and that
8 type of thing, technical management.

9 Q. Do you have any employees that
10 report directly to you?

11 A. Yes.

12 Q. How many?

13 A. One.

14 Q. And who would that be?

15 A. Art, Mr. Art Nutzhorn.

16 Q. Could you spell his last name?

17 A. N-u-t-z-h-o-r-n.

18 Q. How long has Art reported to you?

19 A. Most of the time. He came into the
20 lab shortly after I came there, so probably 21
21 years.

22 Q. Mr. Fuys, you generally described
23 your job responsibilities. How long have those
24 job responsibilities that you described been your

1 responsibility?

2 A. I can give you an estimate. I don't
3 really recall exactly the date.

4 Q. That's fine.

5 A. I was hired on as plant metallurgist
6 and as the environmental regulations came on
7 board, I got into taking on those
8 responsibilities. So it was probably about 1980s
9 when I started getting into -- when the hazardous
10 waste regs came in.

11 Q. You understand that a subpoena was
12 sent to Rexnord in noticing this deposition
13 today; is that correct?

14 A. Yes.

15 Q. And did someone show you a copy of
16 that subpoena?

17 A. I believe so, yes.

18 MR. BIEDERMAN: In fact, counsel, do
19 you have a copy of it?

20 MR. WEINER: Yes.

21 BY MR. BIEDERMAN:

22 Q. Sir, I am going to hand you -- I am
23 not going to mark this as an exhibit because I
24 want to give this back to counsel. But I am

1 going to hand you a document that's titled
2 Subpoena for Deposition. It's dated May the 4th,
3 2001, and attached to that is a Rider. It is
4 identified as Rider to 206(a)(1) Discovery
5 Deposition.

6 I'd like you to take a look at
7 these two pages, would you please.

8 Mr. Fuys, had you reviewed
9 that rider prior to today?

10 A. Yes.

11 Q. And you are aware that the purpose
12 of the subpoena and the rider was to request that
13 Rexnord produce that person within the Rexnord
14 Company that is most knowledgeable about those
15 topics, is that your understanding?

16 A. That's correct.

17 Q. And you understand that by your
18 presence here today that you are being
19 represented as the person that's most
20 knowledgeable on those topics, correct?

21 A. Yes.

22 Q. Would you agree with me if I were to
23 ask whether, in fact, you are the most
24 knowledgeable person within the organization on

1 this topic?

2 A. Yes, I am.

3 Q. Thank you. Can I ask, sir, what you
4 have done in preparation for this deposition
5 today?

6 A. I responded with my attorney and
7 responded, gave him the documents that he
8 requested.

9 Q. So you have reviewed some documents?

10 A. I pulled most of them and sent them
11 off. I didn't spend a lot of time reviewing
12 them, no.

13 Q. So all of the documents that you
14 pulled that you believe were responsive to this,
15 you forwarded on to your attorney?

16 A. Yes.

17 Q. Have you met with your attorney
18 concerning this deposition?

19 A. Yes.

20 Q. On how many occasions did you meet
21 with your attorney?

22 A. Once.

23 Q. Was that a face to face or was that
24 over the telephone?

1 A. Face to face.

2 Q. Were there others present during
3 that meeting?

4 A. Yes.

5 Q. Can you tell me who was present?

6 A. Another attorney.

7 What's his name?

8 MR. WEINER: That's okay.

9 BY MR. BIEDERMAN:

10 Q. You don't recall?

11 A. I don't recall.

12 Q. So it was just the three of you
13 then?

14 A. Yes.

15 Q. Was this another attorney from the
16 law firm of McDermott, Will & Emery?

17 A. Yes.

18 Q. Did you talk to anyone within
19 Rexnord other than the attorneys from McDermott,
20 Will & Emery about your deposition today?

21 A. Yes.

22 Q. And who did you speak to?

23 A. My general manager, Kraig Tabor.

24 Q. Anyone else?

1 A. The risk manager, Kathy Polia.

2 Q. Anyone else?

3 A. Art and the lab to let them know
4 where I was going.

5 Q. Okay.

6 A. My maintenance, Ed.

7 Q. A maintenance person?

8 A. Maintenance person, yeah, about the
9 well information.

10 Q. And what was the name of that
11 individual?

12 A. Ed Komrska, K-o-m-r-s-k-a.

13 Q. Anyone else?

14 A. Not that I can recall, at the
15 moment.

16 Q. I'd like to discuss for a moment the
17 discussion that you had with the general manager,
18 I believe you said his name was Gary Tabor?

19 A. Kraig with a K, K-r-a-i-g.

20 Q. Was that a face-to-face meeting or
21 was that over the telephone?

22 A. It was face to face.

23 Q. Was there anyone else present?

24 A. No.

1 Q. Can you tell me what you told Kraig
2 about this deposition and what Kraig said to you?

3 A. I told him that I was going to be
4 the person representing Rexnord, and that was
5 really about it. Because he didn't know -- he
6 didn't know much about anything. He just
7 started. He is fairly new at the plant.

8 Q. Did you go to find him out to
9 discuss this matter with him, or did he ask that
10 you come to see him about this?

11 A. I really don't recall how that
12 happened. The initial subpoena when it came
13 down, I don't know if it flowed through him. You
14 know, I don't remember. Because there was so
15 many different things coming in the mail. So but
16 when I talked to him, I just had set up a meeting
17 and wanted to let him know what was happening.

18 Q. Good. How long did the meeting with
19 him take?

20 A. Couple of minutes, and I just
21 stopped in. That's all.

22 Q. How about with Kathy, the risk
23 manager, was that face-to-face meeting?

24 A. Yes.

1 Q. How long did that meeting take?

2 A. A couple of minutes. I just
3 informed her again.

4 Q. What did Kathy say to you in
5 response?

6 A. Nothing. Other than she -- I asked
7 her did you ever do one of these things? And she
8 said no. That was about it really.

9 Q. On that topic, have you ever been
10 deposed before, sir?

11 A. No.

12 Q. Let me give you some basic
13 information. The deposition that we are taking
14 today, as you know, it's under oath. It's simply
15 an informal gathering of attorneys. Your
16 testimony is being transcribed, and it has the
17 same force and effect as though we were in court.

18 As I indicated when I came in
19 the door, my name is Dan Biederman, and I
20 represent Lockformer. Lockformer is a Defendant
21 in several lawsuits concerning an allegation of
22 TCE in residential wells in the Lisle area. We
23 have conducted or Lockformer is in the process of
24 conducting an investigation into the usage of TCE

1 in this area, and have identified a number of
2 companies, including Rexnord, that have
3 historically used TCE, and that's the purpose of
4 the deposition today.

5 The last person that you
6 indicated that you spoke to within the plant was
7 a maintenance person, Ed. Do you recall saying
8 that?

9 A. I spoke with Ed about the well.

10 Q. What did Ed tell you about the well?

11 A. It was in response to my question.

12 Q. Okay.

13 A. We just pulled the document that he
14 could about the latest thing he had in his file
15 on the repair of the well.

16 Q. What was the question that you asked
17 him?

18 A. About the service on the well,
19 things of that nature, depth of the well, any
20 information that he had, that's all. He gave me
21 what he had.

22 Q. The information that he gave you
23 that he had, was that in written form?

24 A. It was like a quote or a job order,

1 kind of a thing.

2 Q. So he did give you some written
3 information concerning the well?

4 A. Yes.

5 Q. Did he verbally discuss with you
6 information that he possessed about the well?

7 A. That was the only thing he had in
8 his files.

9 Q. The information that Ed gave you,
10 did you take that information and give it to your
11 attorney?

12 A. Yes.

13 Q. Now, it's my understanding that the
14 well that's on the Rexnord property is still in
15 service, but it is not used for potable purposes;
16 is that correct?

17 A. Potable for drinking water?

18 Q. Yes, sir.

19 A. That's correct.

20 Q. Do you know when that well was dug
21 or installed?

22 A. No.

23 Q. If I wanted to find that information
24 out, do you know who I would talk to?

1 A. No.

2 Q. Do you know how long Rexnord has
3 operated its business at this location in Downers
4 Grove?

5 A. No. I can guess, but I don't know.

6 Q. Can you give me a guess?

7 A. They were downtown Downers Grove
8 before they moved out there to the park. And I
9 think it may have been in the '50s, '60s, but I
10 really don't know.

11 Q. Rexnord did not build that plant,
12 though, correct?

13 A. I don't know for sure.

14 Q. When you referred to the park a
15 moment ago, sir, were you referring to the park
16 that's generally known as the Ellsworth
17 Industrial Park?

18 A. That's correct.

19 Q. And Rexnord is within the Ellsworth
20 Industrial Park, correct?

21 A. Yes.

22 Q. And I believe it's on Wisconsin
23 Avenue?

24 A. No.

1 Q. Oh, it's Curtiss, I'm sorry?

2 A. Curtiss.

3 Q. Could you give me the address of
4 Rexnord?

5 A. 2400 Curtiss Street.

6 Q. Thank you.

7 The building that Rexnord
8 occupies at 2400 Curtiss Street, do you know when
9 that building was constructed?

10 A. No.

11 Q. Directing your attention back to the
12 well that's on site, it's still in service, and I
13 believe you said that it's not used for drinking
14 water, correct?

15 A. That's correct.

16 Q. What is that well used for?

17 A. Sprinkling lawns and fire. It's
18 part of our fire protection system.

19 Q. The water from that well, does it
20 ever come into contact with human beings?

21 A. No. Other than sprinkling, I guess.
22 You know, if someone gets water on them when we
23 sprinkle.

24 Q. At one point in time that well did

1 serve as the potable source of water for the
2 plant; is that correct?

3 A. Yes.

4 Q. Do you know when the use of that
5 well changed and it no longer served the plant
6 for potable purposes?

7 A. 1995. Sometime in '95 I think it
8 was.

9 Q. Do you know why the well was changed
10 from a potable well to a well without human
11 contact?

12 A. I believe it had to do with our --
13 the water hardness and the quality of the water
14 regarding make-up for some of our coolants. Lake
15 Michigan water also was available then, so it
16 solved some problems in our coolants with
17 adjusting the chemistry to keep the coolants
18 going a long time.

19 Q. When you say adjusting the
20 chemistry, would the laboratory on site at the
21 Rexnord Corporation, was that laboratory used to
22 analyze the chemistry of that water?

23 A. Typically not. It was the vendor of
24 the coolant at the time.

1 Q. Who was the vendor of the coolant at
2 the time?

3 A. Right now it's -- What the hell is
4 the name of it? I don't recall right at the
5 moment. It will probably come to me.

6 Q. Do you know whether it was a vendor
7 of the coolant that communicated with someone at
8 Rexnord the condition of the water, the chemistry
9 of the water wasn't acceptable?

10 A. I can't say for sure all the exact
11 details, but that's my recollection was that it
12 had to do with the water, and had to do with the
13 water coming in from Lake Michigan at the same
14 time. And we had trouble with our old unit which
15 makes the water cleaner, that kind of a thing.

16 So I believe it was the vendor
17 or when checking with different coolant people,
18 that was the guiding factor in terms of, you
19 know, if we -- other people that had Lake
20 Michigan water didn't have these problems I guess
21 is what it comes down to.

22 Q. Now, sir, you said that Rexnord has
23 a unit that makes the water cleaner. Did I
24 understand that correctly?

1 A. Reverse osmosis, reverse osmosis
2 unit.

3 Q. Rexnord has a reverse osmosis
4 filtration system?

5 A. Right.

6 Q. Why was that reverse osmosis
7 filtration system necessary?

8 A. Well, we have a plating department.

9 Q. Okay.

10 A. And it needs certain cleanliness in
11 the water, and this helps get the water, or keeps
12 it cleaner in terms of dissolves solids so many
13 parts per mil. There is different specs on
14 things in plating. That it's better to have
15 reverse osmosis type water than the hard water
16 that we had.

17 Q. Do you know whether Rexnord
18 periodically tested the water from that well and
19 submitted that water to a laboratory for any type
20 of analysis?

21 A. Yes, we did.

22 Q. Were there written procedures within
23 Rexnord for testing that well?

24 A. Not to my knowledge, no.

1 Q. Who made the decision as to when and
2 how to test that water?

3 A. It was the State. The state
4 department. I can't recall if it was the health
5 department or what department it is. It was down
6 in Springfield did water surveys, and there was a
7 rule passed, to my recollection, there was a rule
8 passed that you have to start checking the well
9 water. And that's the time we started doing the
10 tests according to their requirements. It was
11 regulatory requirement.

12 Q. Tell me how that process worked?

13 A. They notified us that we -- by a
14 certain date, you should test your well water,
15 and you had to run a bunch of different tests.

16 Q. And, sir, when you said that they
17 would notify us, specifically who within Rexnord
18 would they normally speak with?

19 A. Well, the notice ended up, it came
20 to me. I don't recall how, but I ended up
21 getting it probably because I am the
22 environmental guy or the technical guy.

23 Q. What would you do when you would
24 receive a notice from the State that the water

1 needed to be tested?

2 A. Typically, I would go to my
3 supervisor, advise him, and get some cost
4 estimates, and say this is what we have to do,
5 and he said, go do it, so we did it.

6 Q. And you would always do that?

7 A. Typically, yes.

8 Q. And is it true, sir, that you were
9 always personally involved in this process
10 whenever the water was tested?

11 A. To my knowledge, yes.

12 Q. And every time the water was tested,
13 would you actually obtain quotes from
14 laboratories to test the water?

15 A. I don't recall.

16 Q. Do you recall any of the
17 laboratories that, in fact, tested the water?

18 A. NET comes to mind, N-E-T, National
19 Environmental Testing, NET. I remember seeing it
20 on one of the papers that I pulled. I think they
21 were one of the outfits that tested it.

22 Q. Who would have made the decision to
23 use NET, sir?

24 A. I would have.

1 Q. You would have?

2 A. Yes.

3 Q. Any other laboratories that you can
4 recall?

5 A. Typically I would call a couple, and
6 get some quotes.

7 Q. Now, sir, when the water was tested,
8 who would describe for NET what the water should
9 be tested for?

10 A. My recollection is that I just gave
11 them a copy of the requirements from the State,
12 and they just -- you know, everything was
13 defined there in terms of what was required and
14 they just followed that.

15 Q. So NET was always instructed to test
16 for what the State required the water to be
17 tested for?

18 A. Right, right, and using their
19 methods, too, approved methods.

20 Q. Is it your testimony, sir, that, in
21 fact, then NET did test the water for the
22 parameters and the chemical constituents that
23 were requested by the State, and that they would
24 provide you with that laboratory analysis?

1 A. Yes.

2 Q. Did you retain a file of the
3 laboratory analysis that you received from NET?

4 A. Yes.

5 Q. And to the best of your
6 recollection, did you maintain copies of all of
7 the analytical reports in that file?

8 A. I recall seeing a report in the file
9 showing that it was tested. That's what I know
10 about it at this point.

11 Q. You recall seeing only one report in
12 the file, sir?

13 A. One report which had all the test
14 data in it.

15 Q. There was one file with multiple
16 analytical reports, is that fair?

17 A. Yes.

18 Q. And when did you see that file?

19 A. When we got the notices there to
20 start checking. That's when I started checking
21 back and looking up the stuff for you.

22 Q. Thank you. And did you provide your
23 attorney with that file?

24 A. With the data in the file, yes. Not

1 with the whole file really.

2 Q. But you provided your attorney with
3 all of the data in the file; is that correct?

4 A. Yes.

5 Q. Were there any tests that were
6 conducted by any laboratory, including a
7 laboratory that may have been owned or operated
8 by Rexnord, on the well water which would not
9 have been present in that file, and thus turned
10 over to your attorney?

11 A. To my knowledge, no testing that I
12 had been involved with was in that file.

13 Q. And I believe you said that you were
14 not aware that any other individual within
15 Rexnord had any reason to test that water; is
16 that correct?

17 A. That's correct.

18 Q. And is it your testimony that no
19 other organization or consultant tested that
20 water?

21 A. To my knowledge, no.

22 Q. Rexnord is a generator of hazardous
23 waste; is that correct?

24 A. Yes.

1 Q. Is Rexnord a large quantity or a
2 small quantity generator of hazardous waste?

3 A. A large quantity.

4 Q. Large quantity?

5 A. Yes.

6 Q. Do you know how long Rexnord has
7 been a large quantity generator of hazardous
8 waste?

9 A. Since the compliance date for the
10 regulation, probably 1980, somewhere in that
11 range someplace.

12 Q. Are you familiar with a requirement
13 to file either a Tier 1 or Tier 2 report with
14 various state agencies?

15 A. Yes.

16 Q. Are you aware of whether Rexnord
17 has, in fact, complied with that requirement?

18 A. Yes.

19 Q. So it's your testimony today that
20 Rexnord, in fact, has completed either a Tier 1
21 or Tier 2?

22 A. Yes.

23 Q. Do you have personal knowledge of
24 the Tier 1 or Tier 2 that was completed?

1 A. Yes.

2 Q. And tell me what that knowledge is?

3 A. Could you rephrase the question.

4 Q. Sure. And I am glad that you asked.

5 If I ever ask you a question that you are not
6 sure of, please ask me to rephrase the question.

7 Just tell me everything that
8 you know about the completion of either a Tier 1
9 or Tier 2 report by Rexnord?

10 A. Tier 2 we do on an annual basis.

11 Q. Who within the organization would be
12 responsible for completing the Tier 2?

13 A. That would be me.

14 Q. Do you remember the last time you
15 completed a Tier 2 for the facility?

16 A. Probably March it was due. I would
17 think February, March.

18 Q. Once the Tier 2 was completed, do
19 you know who you sent that to?

20 A. I believe that's the one that goes
21 to three parties.

22 Q. Okay.

23 A. Fire Department, local LEPC, and
24 emergency response people.

1 Q. So if I went to the Fire Department
2 in Downers Grove, they should have a copy of your
3 Tier 2?

4 A. They should.

5 Q. And when you completed that Tier 2,
6 is it your understanding that it was complete and
7 accurate?

8 A. Yes.

9 Q. Do you know how many substances were
10 identified on your Tier 2?

11 A. Not many. Not exactly, no, I don't.

12 Q. Do you recall specifically any
13 substances that were identified on the Tier 2?

14 A. I can guess and speculate which ones
15 are on there.

16 Q. Okay, give it a shot.

17 A. There is cadmium probably. Any
18 hazardous -- well, whatever the regs are, the 302
19 regs, whatever the requirements are. And we have
20 oils. There are some oils on there, some quench
21 oil, probably cad, cad oxide. I don't know
22 without looking at the report. I don't remember
23 the stuff.

24 Q. Would trichloroethylene be

1 identified on that report?

2 A. I don't know if we are over the
3 threshold limits or not, 10,000. There is
4 threshold limits that have to be looked at. I
5 can't say for sure without looking at the report.

6 Q. You know what the threshold limit is
7 for TCE?

8 A. I don't recall.

9 Q. Cadmium, you believe that cadmium
10 appears on that report?

11 A. Probably. It's probably extremely
12 hazardous substance, so it has a different
13 listing. There is a 302 list type of a chemical.

14 Q. Is it your understanding that if a
15 quantity of any hazardous substance in excess of
16 that threshold reporting limit is present at the
17 facility at any point during the year, that it's
18 required to be listed on the Tier 2 report?

19 A. That's correct.

20 Q. You believe that the storage of
21 cadmium at any time during the year at the
22 Rexnord facility would have exceeded that
23 threshold limit; is that correct?

24 A. I don't recall. I have to check. I

1 don't remember all the details without looking at
2 them.

3 Q. Can you describe for me how cadmium
4 is used in the process?

5 A. We make aircraft parts that have to
6 be plated. So we have an electroplating
7 operation, and the cadmium is plated onto steel
8 parts.

9 Q. How long has Rexnord operated a
10 plating line at the plant?

11 A. I don't really know.

12 Q. If I wanted to find that out, who
13 would I talk to?

14 A. Almost all of the people are gone.
15 They are retired. I don't really know.

16 Q. Does Rexnord operate any facilities
17 that are located at other locations other than
18 the 2400 Curtiss Street?

19 A. Do they operate other? Yes, other
20 facilities.

21 Q. Do you know approximately how many
22 other facilities?

23 A. I am only involved with the plants
24 there. No, I don't know exactly how many there

1 are.

2 Q. Do you have any responsibility, any
3 environmental responsibilities for any of those
4 other plants?

5 A. No.

6 Q. So your responsibility is limited to
7 the 2400 Curtiss Street facility; is that
8 correct?

9 A. No. There is a plant right adjacent
10 to the contiguous property. That's a small
11 off -- spinoff of the department that grew. And
12 that's also, it's 2324, but it's all considered
13 to be the same plant. It's called a different
14 plant, but it's all part of the Rex Bearing
15 Division.

16 Q. The facility at 2324, could you tell
17 me what operations are conducted at that
18 facility?

19 A. Yes. They do winding and machining
20 and grinding, I guess, cutoff. Those type of
21 operations.

22 Q. Those functions that you have just
23 identified are they all in connection with the
24 production of the aircraft parts that you

1 mentioned before?

2 A. No. It's a different type of
3 bearing.

4 Q. How many separate lines of bearings
5 does Rexnord produce?

6 A. I'd say three.

7 Q. Can you describe those for me?

8 A. One's called an aircraft line. One
9 is called an industrial product line, and one is
10 a filament wound type of a line.

11 Q. The film and wound?

12 A. Filament, it's a filament wound.

13 Q. Thank you. Can you describe that
14 last bearing to me, the filament wound?

15 A. Yes, it's epoxy resin fiberglass
16 type of a bearing.

17 Q. Now, sir, you had testified that the
18 facility is a large quantity generator of
19 hazardous waste; is that correct?

20 A. Yes.

21 Q. Does it possess a RCRA permit?

22 A. No.

23 Q. You understand what I mean when I
24 refer to RCRA, the Resource Conservation Recovery

1 Act?

2 A. Yes.

3 Q. You are generally familiar with that
4 act and its regulations?

5 A. Yes.

6 Q. Could you tell me how many different
7 hazardous waste streams are generated at the
8 facility.

9 A. Approximately half a dozen or so.
10 It varies year to year.

11 Q. Now we know that trichloroethylene
12 would be one of those hazardous waste streams; is
13 that correct?

14 A. That's correct.

15 Q. Can you name for me all of the other
16 hazardous waste streams that you can recall?

17 A. Ones that I can recall.

18 Q. Thank you.

19 A. Cadmium is strictly regulated so
20 grinding operations result in cadmium swarf,
21 filter medium, so that's one waste stream.

22 There is plating wastes of
23 various types. There is an F006 plating sludge.
24 Another one would be plating rinse waters.

1 Another one would be plating
2 acidic debris. Another one would be plating
3 caustic debris. And that's about all I can think
4 of right now that come to mind. And the
5 trichlor, of course, you mentioned that before.

6 Q. Are you a large quantity generator
7 of trichloroethylene?

8 A. We are a large quantity generator
9 and it's a total of all your wastes. It doesn't
10 break out individual wastes.

11 Q. So the quantity of trichlor itself
12 would not make you a large quantity generator of
13 hazardous wastes?

14 A. That's correct.

15 Q. Do you know either in gallons or in
16 pounds how much waste trichloroethylene the
17 facility generates?

18 A. Maybe a couple of drums a year.

19 Q. And you would be responsible
20 personally for the disposal of that waste stream?

21 A. Yes.

22 Q. Let's talk about the purchase of
23 trichloroethylene product. You understand I am
24 now distinguishing between product and waste,

1 correct?

2 A. Right.

3 Q. In what quantity does Rexnord
4 purchase trichloroethylene product?

5 A. We purchase 55 gallon drum
6 quantities.

7 Q. How often and how much
8 trichloroethylene does Rexnord purchase?

9 A. I guess it would be about two to
10 four drums a year.

11 Q. Would you anticipate then that the
12 facility would generate approximately two to four
13 drums per year of trichloroethylene waste?

14 A. No.

15 Q. How much trichloroethylene waste
16 would you anticipate the facility generates?

17 A. One to two drums, but it can be
18 misleading.

19 Q. Okay. Why would that be?

20 A. Because when they pick up the drum,
21 they consider it a full drum, whether it's half
22 or a quarter full or 10 ounces, and it's still
23 considered to be a full drum.

24 Q. And you are the person most

1 knowledgeable within the facility of the volume
2 of trichlor product?

3 A. Yes.

4 Q. And the volume of trichloroethylene
5 waste generated?

6 A. Right.

7 Q. What's the trichlor used for?

8 A. Vapor degreasing operations.

9 Q. Can you describe the vapor
10 degreasing operations for me?

11 A. It's a very small desk size vapor
12 degreaser. Parts are preassembled and then
13 cleaned. It's inserted into the vapor degreaser
14 by way of baskets.

15 Q. When you say "it's inserted," could
16 you describe that for me? What do you mean by it
17 is inserted?

18 A. Let me back up. Vapor degreaser is
19 a carousel type of vapor degreaser. It's
20 equipped with ultrasonics. The purpose is to --
21 in using a vapor degreaser is to clean the parts
22 of residual particles that may become entrapped
23 in assembly operations.

24 So the parts are preassembled.

1 We run them through the vapor degreaser to clean
2 the parts of any debris. The ultrasonic action,
3 we've got that type of vapor degreaser, and they
4 come out dry, and then they finish assembling
5 them.

6 Q. Now you said this was a small table
7 top model, correct?

8 A. Yes.

9 Q. And I believe that -- let the record
10 reflect that I believe, sir, that you indicated
11 the dimension of this by using your arms. Is it
12 fair to say it's probably 36 inches?

13 A. Yeah, about like this (Indicating).

14 Q. So it's about a yard?

15 A. Yeah, and about this wide.

16 Q. And 24 inches?

17 A. Approximately.

18 Q. And it sits right on top of a table?

19 A. No. It goes all the way to the
20 floor, but I mean it's about that amount -- about
21 the size of a desk.

22 Q. Can you tell me what the capacity of
23 this unit is to hold trichloroethylene?

24 A. Again my estimate would be about a

1 drum, maybe holds a drum maximum.

2 Q. One drum?

3 A. About that amount.

4 Q. So a maximum of 55 gallons?

5 A. I don't know for sure. It's a
6 ballpark, I'd say, in that range.

7 Q. And how many of these degreasing
8 units are there in the facility?

9 A. Just one.

10 Q. Do you know when Rexnord first
11 purchased its vapor degreaser?

12 A. '89, around '89, 1989.

13 Q. Prior to 1989, did Rexnord degrease
14 any parts using trichloroethylene?

15 A. Not to my knowledge.

16 Q. And prior to 1989, how did Rexnord
17 accomplish the degreasing operation that you
18 described?

19 A. I was not intimately involved with
20 it, but I do recall what -- because how they were
21 doing it, they had a system set up with a
22 solvent, mineral spirits type of a solvent. They
23 would rotate the part with a drill press type of
24 an operation and flow fluid over the rotating

1 parts and that would flush out these burrs and
2 types of things.

3 Q. And so this wasn't any type of a
4 contained system?

5 A. Well, they collect it probably, and
6 I don't know. I don't know how the system
7 worked, but that's how they cleaned the bearings
8 before they went into the operation.

9 Q. If I wanted to learn more about
10 that, who would I speak to?

11 A. Probably one of the chief -- one of
12 the engineers.

13 Q. And do you know any of those
14 gentlemen by name?

15 A. I believe the engineer that brought
16 the vapor degreaser in was Steve Vallino.

17 Q. Is Steve Vallino still employed at
18 Rexnord today?

19 A. Yes.

20 Q. You believe it was Steve's decision
21 to purchase the vapor degreaser?

22 A. He was in the project of bringing it
23 in. That's what my recollection is.

24 Q. Were there other people in addition

1 to Steve that were involved in this project of
2 bringing it in?

3 A. That I don't know.

4 Q. Do you know why Steve thought it was
5 necessary to bring the vapor degreaser in?

6 A. I believe he felt it was the
7 optimum. It was a better way to clean the parts.
8 It was more efficient, more -- you know, would
9 get the parts cleaner.

10 Maybe they had problems. I am
11 not real clear on what it was, but it was they
12 felt a better way to get the parts better. Maybe
13 by talking to somebody else in the field or
14 however, but it's speculation on my part. I
15 don't really know.

16 Q. Do you know of any specific problems
17 that were encountered?

18 A. No. I wasn't involved in the
19 assembly operation. He was over that type of --
20 that was his job to get things done in terms of
21 moving things along in production.

22 Q. Now you had indicated that prior to
23 the vapor degreaser there was a solvent that was
24 used for this purpose. And you said that it may

1 have been mineral spirits; is that correct?

2 A. That's correct.

3 Q. Do you know the quantity of mineral
4 spirits that the facility would purchase prior to
5 1989?

6 A. Not to my recollection, no.

7 Q. Do you know how the mineral spirits
8 were stored on site?

9 A. Yes.

10 Q. How was it stored on site?

11 A. In the 1000 gallon bulk storage
12 tank.

13 Q. Is that 1000 gallon bulk tank still
14 present at the facility today?

15 A. Yes.

16 Q. And what is it used for today?

17 A. Storing high flash mineral spirits.

18 Q. Do you know who owns that tank?

19 A. Rexnord Corporation.

20 Q. Do you know who supplies your
21 mineral spirits, what vendor?

22 A. Perkins, Perkins Products.

23 Q. Do you know whether mineral spirits
24 is listed on your Tier 1 -- or Tier 2, rather?

1 A. It could be, yes.

2 Q. How is the spent mineral spirits
3 stored?

4 A. Spent mineral spirits is accumulated
5 with our waste oils.

6 Q. And how are your waste oils stored?

7 A. We accumulate them in a 2500 gallon
8 aboveground storage tank in the contained area.

9 Q. You said a 2500 gallon storage tank?

10 A. Yes.

11 Q. Is that an above or below ground?

12 A. Above ground.

13 Q. Is it within the facility, or is it
14 outside the facility?

15 A. It's within the facility.

16 Q. Is that a steel aboveground storage
17 tank?

18 A. Yes.

19 Q. Does it have secondary containment
20 around it?

21 A. Yes.

22 Q. Does the facility possess a spill
23 prevention and counter-measure plan for that
24 aboveground storage tank?

1 A. Yes.

2 Q. And do you know who disposes of your
3 waste oil?

4 A. Right now I believe it's Beaver Oil.

5 Q. Sir, you had indicated that the
6 facility generates perhaps between one and two
7 drums of trichloroethylene waste every year,
8 correct?

9 A. Yes.

10 Q. Where are those drums stored, the
11 drums of the waste?

12 A. In a containment in the storage
13 area.

14 Q. Is the storage area within the
15 building?

16 A. Yes. It's under cover, put it that
17 way. It's in what we call a chip shed.

18 Q. A ship shed?

19 A. Chip shed.

20 Q. Chip, c-h-i-p?

21 A. Right, chip. C-h-i-p, right.

22 Q. Is this chip shed within the
23 building, or is it attached to the building?

24 A. I guess it's a covered, walled-in

1 area. It's not physically part of the cement
2 block building. So that's why they call it a
3 shed, but it's all covered and diked and
4 contained.

5 Q. And what vendor disposes of your
6 waste trichloroethylene?

7 A. Detrex Corporation.

8 Q. Does Detrex also supply your product
9 TCE?

10 A. Yes.

11 MR. WEINER: We are going to take a
12 break here if we could for a few minutes.

13 MR. BIEDERMAN: Sure, absolutely.
14 Take as much time as you need.

15 (WHEREUPON, short break was had.)

16 BY MR. BIEDERMAN:

17 Q. Sir, let me show you a map that we
18 obtained from the Downers Grove Fire Department,
19 and I am going to look over your shoulder if I
20 could. I believe we obtained this from the
21 Downers Grove Fire Department. And I believe we
22 were told that they believe that someone either
23 at Shafer Bearing or Rexnord may have prepared
24 this.

1 Let me ask you, have you ever
2 seen this before?

3 A. No.

4 Q. Is that a no?

5 A. No.

6 Q. On this map I note that Belmont
7 Avenue is depicted here with the legend of north
8 pointing this way. Curtiss Street here. And
9 there is an entity where I believe Rexnord is
10 located today, and it's identified as Shafer
11 Bearings Division Chain Belt. Have you ever
12 heard of that company?

13 A. Yes.

14 Q. And can you tell me who Shafer
15 Bearings Division Chain Belt Company is?

16 A. Shafer was the original bearing
17 company, somehow I believe that Rexnord then
18 bought out. It's a brandname. Shafer is still
19 used on the bearings today.

20 Q. Do you know when Rexnord may have
21 bought out Shafer?

22 A. No.

23 Q. So during the entire time that you
24 have been employed, it's always been Rexnord,

1 correct?

2 A. Yes.

3 Q. Sir, were you involved or
4 responsible for preparing the FESOP for the vapor
5 degreaser?

6 A. Yes.

7 MR. BIEDERMAN: Why don't we go
8 ahead and mark this as the first exhibit.

9 (WHEREUPON, a document was marked
10 Rexnord Deposition Exhibit No. 1
11 for identification as of 05/23/01.)

12 BY MR. BIEDERMAN:

13 Q. Sir, I am going to hand you what has
14 been -- I'm sorry, I don't have another copy of
15 this. I am going to hand you what has been
16 marked as Deposition Exhibit Rexnord Exhibit 1.
17 And for the record this is a multi-page exhibit.
18 It bears a Bates Stamp in the bottom right hand
19 page beginning with the number 22 and continuing
20 through 34. I am going to ask that you review
21 this document please.

22 Can you describe for me if you
23 could what that exhibit includes?

24 A. These are some lab reports from

1 Detrex.

2 Q. Okay.

3 A. On our waste.

4 Q. Do you recognize those documents?

5 A. Yes.

6 Q. Can you tell me what they are?

7 A. They are reports that Detrex gives
8 us back in terms of their analysis of waste.

9 Q. When you say the waste, what waste
10 stream are you speaking of?

11 A. The waste trichlor.

12 Q. And that would be the one to two
13 drums of waste that's generated every year?

14 A. Yes.

15 Q. What else do you recognize in that
16 exhibit?

17 A. Manifests.

18 Q. Of waste trichloroethylene?

19 A. Yes. That's typically the manifest,
20 and they issue a certificate also in conjunction
21 with their waste analysis.

22 Q. Can you tell me what period of time
23 is covered by these exhibits?

24 A. 1996, starting in 1996 there is some

1 reports up through the current time, the year
2 2000. Last one was 5/4, looks like, 2000.

3 Q. Can you tell from that exhibit how
4 many drums of waste trichlor were generated in
5 1996? And, sir, just so that I am clear, I am
6 not suggesting that you can necessarily determine
7 from these documents.

8 A. I am trying to figure it out.

9 Q. If you can't determine it from those
10 documents, that's fine.

11 A. Would you repeat the question.

12 Q. I was just asking if from those
13 documents, and again I am not suggesting that you
14 can, but if you can tell how much waste trichlor
15 was generated from 1996?

16 A. No.

17 Q. Okay.

18 A. Not by looking at it real quickly.

19 Q. That's fine. Can you tell me did
20 Rexnord also purchase trichloroethylene from
21 Coleman?

22 A. Yes.

23 Q. Do you know what period of time they
24 would have bought TCE from Coleman?

1 A. We started out with Coleman. I
2 don't know exactly what time we switched over to
3 Detrex.

4 Q. Do you know why you switched over to
5 Detrex?

6 A. Yes.

7 Q. Why was that?

8 A. The agreement was they would pick up
9 the waste, and then they would handle the
10 disposal, and it was all included in the charge.
11 It was a cost thing, strictly related to cost.
12 When there was a requirement to get test results,
13 Coleman wanted to charge additional fees to get
14 these test results. So we got quotes and Detrex
15 bid on the thing, and it included along with
16 their pickups like we had been doing with
17 Coleman. So we just switched. It was strictly a
18 cost change.

19 Q. And do you know when you would have
20 started with Coleman? Would that have been in
21 1989?

22 A. We put the vapor degreaser in in
23 '89. No, I don't think so, not '89.

24 Q. When would you have started with

1 Coleman?

2 A. Well, Coleman -- I'm sorry, Coleman
3 would have been -- I believe that's who the
4 vendor was at the time we started the vapor
5 degreaser.

6 Q. Did Rexnord use TCE for any purpose
7 anywhere in the plant prior to 1989?

8 A. To my knowledge, no.

9 Q. Does the facility have a waste
10 minimization program?

11 A. Yes.

12 Q. Is it a written waste minimization
13 program?

14 A. Yes.

15 Q. When was the last time that you saw
16 that document?

17 A. I can't recall.

18 Q. Do you know how often that document,
19 the waste minimization plan, how often that
20 document is updated?

21 A. No.

22 Q. Do you know where that document is
23 maintained within the -- in other words, within
24 the company?

1 A. Yes.

2 Q. Where would that be?

3 A. In my files, I would think.

4 Q. And you don't recall the last time
5 you updated that document?

6 A. No. It's an ongoing thing. Our --
7 no, I don't know when it was last updated. I
8 can't say for sure.

9 Q. Would you have updated that document
10 in the year 2001?

11 A. No, not to my recollection.

12 Q. Do you know was that document
13 updated in the year 2000?

14 A. The waste minimization document, no.

15 Q. Has the facility ever used PCE or
16 tetrachlorethylene?

17 A. To my knowledge, no.

18 Q. And it doesn't use it today,
19 correct?

20 A. No.

21 Q. I believe you said earlier that you
22 were familiar with the tests that were conducted
23 on the potable well, is that correct, on the
24 property?

1 A. Yes.

2 Q. Is it your understanding that TCE
3 was never detected in that well?

4 A. That's correct.

5 Q. Do you know whether any volatile
6 organic compounds were ever detected in that
7 well?

8 A. None to my knowledge.

9 Q. Do you know whether any wells in the
10 general vicinity of Rexnord, say within a mile,
11 ever were tested and found to contain TCE?

12 MR. WEINER: What is your foundation
13 for asking that question?

14 MR. BIEDERMAN: My foundation for
15 asking that question?

16 MR. WEINER: Yes. Why would you
17 think that he would know the answer to that
18 question?

19 MR. BIEDERMAN: Well, he is familiar
20 with the well that's on site. He may know of
21 wells in the area that have tested positive for
22 TCE.

23 Do you understand my question?

24 THE WITNESS: Could you just

1 rephrase it or.

2 MR. BIEDERMAN: I sure could.

3 BY MR. BIEDERMAN:

4 Q. Are you aware that there are any
5 wells in the area that have tested with and have
6 been found to have concentrations of TCE in them?

7 A. No.

8 Q. Are you familiar with the
9 Belmont-Highwood Service District and the two
10 wells that they have operated?

11 A. No.

12 Q. Are you familiar with the wells that
13 the Maple Hill District has operated?

14 A. No.

15 MR. BIEDERMAN: Why don't we mark
16 this as the next one.

17 I'm sorry, I didn't complete
18 my questions on that.

19 BY MR. BIEDERMAN:

20 Q. Included in the FESOP, there are
21 various calculations of the amount of TCE that's
22 emitted into the environment on an annual basis;
23 is that correct?

24 A. Yes.

1 Q. Do you know who within your
2 organization made those calculations?

3 A. Yes.

4 Q. Who would that be?

5 A. It would be me.

6 Q. Now I believe within that report,
7 that report reflects the amount of TCE that was
8 added to the vapor degreaser on a monthly basis;
9 is that correct?

10 A. In this report? Yes.

11 Q. And if you look down that column, I
12 believe that there was one particular month in
13 which there was a thousand, and I believe it's a
14 thousand pounds of TCE added to the vapor
15 degreaser. Do you see that?

16 A. Yes.

17 Q. And am I correct in the quantity, is
18 that reflected in pounds, sir?

19 A. Yes.

20 Q. And is there one month in which
21 there was in excess of a thousand pounds added to
22 the vapor degreaser?

23 A. Yes.

24 Q. Do you believe that that would

1 approximate the capacity of the vapor degreaser?

2 A. Could be to the top, yes.

3 Q. Do you know why in that particular
4 month all of the product was replaced in the
5 vapor degreaser?

6 A. No.

7 Q. Could you tell me what year that was
8 and what month?

9 A. It says September '97.

10 Q. Would you expect to see an
11 equivalent amount of TCE being disposed in either
12 September or October or November of '97?

13 A. Equivalent amount? Would you
14 rephrase that.

15 Q. Sure. As I read that report, it
16 would indicate that the vapor degreaser either
17 lost TCE, or it was replaced for some reason, or
18 it was cleaned; or it's clear from reading that
19 report that something happened in that month.
20 Would you agree?

21 A. Right.

22 Q. Perhaps it was cleaned?

23 A. Could have been a contamination
24 problem perhaps, yeah.

1 Q. Let me ask you first. Do you have
2 any knowledge of what occurred in that month?

3 A. Let's see, I don't recall.

4 MR. WEINER: Do you have another
5 question?

6 MR. BIEDERMAN: I am -- he is
7 studying the report. I just want to make sure
8 that his --

9 THE WITNESS: Yeah, I am just
10 looking to see if '97 -- I don't --

11 BY MR. BIEDERMAN:

12 Q. You don't recall what happened in
13 that month, September of '97?

14 A. No.

15 Q. Are there individuals within the
16 organization that operate the vapor degreaser?

17 A. Yes.

18 Q. And how many different individuals
19 actually operate the vapor degreaser?

20 A. I can't tell you that exactly. I
21 don't know.

22 Q. So there is no individual assigned
23 to be responsible for operating the vapor
24 degreaser?

1 A. To my knowledge, no. There is
2 people in the department, and there is different
3 people that are using it, but I can't -- I don't
4 know for sure.

5 Q. I want to get a sense for how many
6 people have access to and can use the vapor
7 degreaser. Can you help me with that?

8 A. I can try. There is different
9 operators in different shifts, you know,
10 supervisor.

11 Q. Sure, okay.

12 A. These people are trained to use it.
13 And they use it when they need to do the job, so
14 you don't always have the thing running.

15 Q. You said trained to use it?

16 A. Yes.

17 Q. Can you tell me what the training
18 would include?

19 A. The supervisor trains the people in
20 how to load the parts in and take them out of the
21 vapor degreaser.

22 Q. Are there any written procedures
23 within the organization for using the vapor
24 degreaser?

1 A. I don't know.

2 Q. You said that the supervisor trains
3 the people to use the vapor degreaser?

4 A. Typically, yes.

5 Q. How many supervisors would be in a
6 position to train employees to use the vapor
7 degreaser?

8 A. One.

9 Q. How many people do you think that he
10 has trained that are employed at Rexnord today on
11 any shift?

12 A. Do I think?

13 Q. Yes, sir.

14 A. I don't know. I really don't know.

15 Q. More than ten?

16 A. No. Probably would be less than
17 ten, I would think.

18 Q. Five?

19 A. I don't know. I really don't know.

20 Q. Thank you. Now I believe you said
21 that from your review of that report, and in
22 particular focusing your attention on the volume
23 or the quantity of TCE that was added to the
24 machine in September of '97, I believe that you

1 generally agreed with me when we concluded that
2 something happened in that month. If I wanted to
3 find out what happened, who would I talk to?

4 A. Me, I guess. I have to go back and
5 see if we can dig out what we have in the record.

6 Q. What records would you look at to
7 find that out?

8 A. The records that I put this report
9 together with.

10 Q. So you have additional records that
11 would support the calculations and the data
12 that's presented in that report?

13 A. The raw, the raw information, yeah.

14 Q. One thing I am trying to get at, and
15 maybe you can help me, over a thousand pounds
16 were added to the vapor degreaser. And I believe
17 you generally said that you would anticipate that
18 that would be the capacity of the vapor
19 degreaser?

20 A. Yes.

21 Q. So I guess what I am struggling with
22 is a thousand pounds of the spent product had to
23 go somewhere. Would that be a fair
24 characterization?

1 A. No.

2 Q. Okay. Why not? And, sir, I am not
3 suggesting that it is. You know, I am just
4 trying to --

5 A. There was a time that they had --
6 periodically I know they had a contamination
7 problem where they dumped the whole system out,
8 or sometimes they just clean the whole system out
9 because they had to replace boilers or do some
10 maintenance on it. And then they let it boil
11 down. They don't add it, so it's not real high
12 level. That's why you would have to add more
13 because they take out less because there is
14 nothing to take out because it's been used. It's
15 gone.

16 Q. But see, that's where my confusion
17 is. When you look at that, there is a running
18 record each month of the amount of TCE that's
19 added. And if you look at the prior month, it
20 would not support that what you have just
21 suggested.

22 A. Unless there is an error in the
23 report. That could be possible, I don't know.

24 Q. Okay, thank you. Can you tell from

1 looking at that report in general on an average
2 basis how many tons of TCE would have been
3 released into the environment?

4 A. Typically --

5 MR. WEINER: Could I just ask you to
6 clarify what you mean by released into the
7 environment.

8 MR. BIEDERMAN: Sure.

9 MR. WEINER: The purpose of your
10 question?

11 MR. BIEDERMAN: Sir, do you
12 understand the question?

13 THE WITNESS: Yes. It has to do
14 with what's released to the environment.

15 MR. BIEDERMAN: Right.

16 THE WITNESS: We are required to do
17 a 3-month rolling average now. But around this
18 time, and I don't recall exactly what, we were on
19 a 12-month rolling average, and we just went to a
20 3-month.

21 BY MR. BIEDERMAN:

22 Q. Does that report reflect both a
23 3-month and a 12-month rolling average, and
24 doesn't that report also reflect --

1 A. Yes.

2 Q. -- a monthly average?

3 A. Yes.

4 Q. If you'd just look at the column of
5 the monthly averages.

6 A. There is a 3-month average is
7 blacked out. I can't see it.

8 Q. Do you know why that column is
9 blacked out?

10 A. No. Probably didn't print.

11 Q. Okay. Let me ask you, you are the
12 author of this report, correct?

13 A. Yes.

14 Q. Tell me how this report was
15 generated?

16 A. Each month we get the information on
17 the adds, and we plug it in and calculate out the
18 numbers.

19 MR. BIEDERMAN: I hate to do this.
20 You have been very patient with me. Could I just
21 take a very quick break.

22 MR. WEINER: Absolutely.

23 (WHEREUPON, short break was had.)

24 MR. BIEDERMAN: Back on the record.

1 I'm sorry, gentlemen.

2 BY MR. BIEDERMAN:

3 Q. Sir, I think you were explaining to
4 me how that report is generated?

5 A. We get the monthly amount, and we
6 plug it into the spread sheet.

7 Q. Is that an Excel spread sheet or
8 some other?

9 A. It's a Lotus 123.

10 Q. Lotus 123. Is that spread sheet
11 maintained on your computer?

12 A. Yes.

13 Q. And you print that out on a monthly
14 basis?

15 A. I can, yes.

16 Q. Do you generally print that out on a
17 monthly basis?

18 A. No.

19 Q. Do you know, sir, why that one
20 column would be blackened out or why it's black?
21 I am not suggesting someone blackened it out.

22 A. The color is -- the computer is
23 color.

24 Q. Okay.

1 A. So maybe it was the color that
2 didn't show up.

3 Q. As you sit here, do you believe
4 there is data in that column in the Lotus work
5 sheet?

6 A. Yes.

7 Q. I'd like to go back to my earlier
8 question. Can you tell me from looking at that
9 report, what the average monthly in tons --
10 strike that.

11 Could I see that report for
12 just a minute.

13 On this report, and I will
14 hand it back to you in just a minute, there is a
15 column that reflects the annual tons per year of
16 TCE emitted into the environment. Do you see
17 that column?

18 A. The limit?

19 Q. Not the limit, but the actual.

20 A. The VOM emissions, is that the one
21 you are calling it?

22 Q. Do you mind if I look over your
23 shoulder?

24 A. No.

1 Q. I am looking at the VOM emissions,
2 the annual tons per year. I understand that
3 column to reflect the actual amount of TCE
4 emitted into the environment from Rexnord in tons
5 per year; is that correct?

6 A. Let's see. I am not clear on this
7 here. I don't know.

8 Q. Sir, how long have you been
9 maintaining this database of information in
10 Lotus?

11 A. Since '96.

12 Q. And is it fair to say that you have
13 been putting data into this Lotus model, but you
14 don't know what this information represents?

15 A. No. I am just saying there is two
16 columns here. I am confused at this point on
17 what one is saying.

18 Q. If I wanted to clear that confusion
19 up, is there someone else within the organization
20 I could speak to?

21 A. No. I would have to look it up on
22 the spread sheet, look at the formula, and I
23 could tell you.

24 Q. Okay.

1 A. But I don't have it here.

2 Q. Do you know who would have initially
3 prepared the formulas that are present --

4 A. I did.

5 Q. -- in each of the cells?

6 A. I did.

7 Q. And did you do that with instruction
8 from someone else within the company?

9 A. No. Within the guidance of our
10 permit.

11 Q. Would your permit tell you how to
12 calculate the actuals?

13 A. Yes.

14 Q. So if you were able to see the
15 actual formulas in each of those cells, you think
16 that that would?

17 A. Yes.

18 Q. Can you just describe for me what,
19 as you sit here today, what you believe is
20 represented in the column that I pointed out to
21 you earlier, which is labeled annual emissions in
22 tons?

23 A. Okay, that column to me would mean
24 it's the average annual emissions in tons per

1 year.

2 Q. And based upon that report, how many
3 tons per year is Rexnord releasing into the
4 environment?

5 A. Looks like this, it's under two, two
6 tons a year.

7 Q. But it's over one ton in almost
8 every year; is that correct?

9 A. Yes.

10 Q. Could I see that report back.

11 A. Uh-huh.

12 Q. What do you do with the information
13 that's in this spread sheet?

14 A. I keep it on file. I update it
15 monthly.

16 Q. I notice that this particular page
17 is marked Confidential. Do you know whose
18 handwriting that is?

19 A. I don't know, no.

20 Q. Do you know why that report would be
21 marked confidential?

22 A. Probably because it's got pollution,
23 air pollution information on it.

24 Q. Does that report reflect any

1 exceedancies of your permit?

2 A. Not to my knowledge.

3 Q. Do you provide this information to
4 anyone else within the organization?

5 A. Could you rephrase that.

6 Q. Sure. Do you give this information
7 in any format to anyone else within the company.

8 A. To my knowledge, no. Unless --
9 unless if somebody were to ask for it, I suppose
10 I would.

11 Q. Has anyone asked you for this
12 information?

13 A. No.

14 Q. Do you supply this information to
15 the Illinois Environmental Protection Agency?

16 A. If requested, yes.

17 Q. Have you ever been requested by the
18 agency to provide data from this work sheet?

19 A. Yes.

20 Q. And how many times have you been
21 requested to provide data from this work sheet to
22 the Illinois Environmental Protection Agency?

23 A. Annual reports.

24 Q. What annual reports would this

1 information be incorporated into?

2 A. The Annual Air Emissions report.

3 Q. So you prepare a report from this
4 Lotus work sheet on an annual basis, and you send
5 that into the Illinois Environmental Protection
6 Agency?

7 A. Yes.

8 Q. The report that you have in your
9 hand right now, I believe that's Deposition
10 Exhibit No. 1. Has that report specifically been
11 provided to the Illinois Environmental Protection
12 Agency?

13 A. No.

14 Q. Do you intend to provide the agency
15 with that report at some time?

16 A. No.

17 Q. Can I see that report back?

18 A. Uh-huh.

19 Q. Now you see that this report was
20 marked confidential. Do you consider this
21 confidential information?

22 A. Yes, I believe so.

23 Q. And why do you consider this
24 confidential information?

1 A. Just because it's any time you are
2 working -- well, it's a chlorinated solvent, and
3 the public generally doesn't like to see
4 chlorinated solvent. It's a bad word, so that's
5 probably why it's marked confidential because you
6 just don't publish this type of information in
7 the newspaper if you don't have to.

8 Q. Could you tell me what other
9 chlorinated solvents are used at the facility?

10 A. To my knowledge, that's the only one
11 used.

12 Q. Let's talk about any chlorinated
13 solvents that have ever been used at the
14 facility. Could you tell me, identify for me
15 what chlorinated solvents have been used
16 historically at Rexnord?

17 A. Which ones?

18 Q. Yes, sir.

19 A. TC, trichloroethane and
20 trichloroethylene, those two.

21 Q. I'm sorry, the first one that you
22 mentioned?

23 A. Trichloroethane.

24 Q. Trichloroethane?

1 A. Right.

2 Q. What is trichloroethane used at the
3 facility for?

4 A. It was used in the vapor degreaser
5 prior to trichloroethylene.

6 Q. How long was trichloroethane used in
7 the vapor degreaser?

8 A. I don't know.

9 Q. Prior to 1989?

10 A. No. If we put -- '89 is when we put
11 it in, I believe. And that was used, started out
12 with trichloroethane.

13 Q. Ethane?

14 A. Right.

15 Q. It's my understanding that prior to
16 1989, there was no vapor degreaser, correct?

17 A. That's right.

18 Q. So in 1989 when that vapor degreaser
19 was purchased, is it your testimony that
20 trichloroethane was first used in the vapor
21 degreaser?

22 A. That's my understanding.

23 Q. And who was the trichloroethane
24 purchased from?

1 A. I don't know.

2 Q. Would that have been Coleman?

3 A. Possibly.

4 Q. Do you know why Rexnord switched
5 from trichloroethane to trichloroethylene?

6 A. Yes.

7 Q. Why is that?

8 A. It was about the time of the ozone
9 depletion system, and there was a switch because
10 it's an ozone depleter versus trichloroethylene.

11 Q. I note on the FESOP there is a
12 notation in 1998, and it states, repaired shaft
13 seals, and then in March of 1999, rotator jammed,
14 most likely caused seals to leak, dumped system.

15 I am going to -- for the
16 record, I am going to place a box around the
17 information that I just read and hand that back
18 to you.

19 A. Yes.

20 Q. Can you explain those notations?

21 A. They repair the shields on the --
22 the seals on the shaft, which they repaired them.
23 That's all. They dumped the system.

24 Q. Now when you say "dumped the

1 system," what does that mean?

2 A. Emptied out the solvent.

3 Q. So do you anticipate that in that
4 time period that's indicated in that notation
5 that they would have taken a thousand pounds of
6 waste solvent out of that unit?

7 A. Could you rephrase that question.

8 Q. Sure. If you dump the whole system,
9 and I believe that we've arrived at the fact that
10 the system, the capacity of the system has at
11 least a thousand pounds in it, correct?

12 A. If we put a thousand in, I imagine
13 it can hold a thousand, yeah.

14 Q. So it's got to hold at least that
15 much, correct?

16 A. Yes.

17 Q. Now when you dump the system,
18 wouldn't you anticipate that you would have
19 needed to add at least a thousand pounds of
20 trichlor?

21 A. No.

22 Q. Well, if you dump the system,
23 wouldn't the system be empty?

24 A. I don't know. Maybe he didn't dump

1 it all out.

2 Q. Sir, when you say maybe he didn't
3 dump it all out, who is the "he" that you are
4 referring to?

5 A. Maintenance person that does the
6 work.

7 Q. Can you identify that person by
8 name?

9 A. No.

10 Q. How many maintenance people within
11 Rexnord could have done this dump?

12 A. Probably two.

13 Q. Can you identify those people by
14 name?

15 A. Yes.

16 Q. Would you do that for me please?

17 A. Jim Burkett. And the other
18 person -- He is the main person.

19 Q. Is your memory exhausted on this?

20 A. Yes.

21 Q. I will give you more time. I don't
22 mean to rush you.

23 A. He is the main guy, and there is
24 other people. But again, I don't know who the

1 other person -- whose someone's backup would be
2 if we had to change something.

3 Q. The information on the report that I
4 drew a box around, that's the information that we
5 are discussing right now. This is information
6 that you would have put into the Lotus cell in
7 that work sheet; is that correct?

8 A. That's correct.

9 Q. No one else would have input that
10 information, correct?

11 A. Right.

12 Q. Who would have provided you with
13 that information?

14 A. The maintenance person.

15 Q. As you sit hire today, do you recall
16 which maintenance person provided you with that
17 information?

18 A. No.

19 Q. Okay, that's fine. Could I have
20 that report back please.

21 A. Yeah.

22 Q. There is a note on here that states
23 June 1995, 500 pound waste from manifest, all
24 others from PM record for March. I'm sorry, it's

1 not March. It's m-a-c-h, from Machine 1038. Do
2 you know what Machine 1038 is?

3 A. That's the vapor degreaser.

4 Q. Do you know what the PM record is?

5 A. The preventive maintenance record.

6 Q. So there is a preventive maintenance
7 record that relates to this machine?

8 A. There is a PM system where periodic
9 checks are done on a machine.

10 Q. Okay.

11 A. And that's what that refers to.

12 Q. Is there a written document that
13 describes these periodic maintenance procedures?

14 A. Yes.

15 Q. And who maintains that written
16 document?

17 A. It's in the computer, if that's what
18 you mean by written.

19 Q. Okay. And have you ever seen this
20 PM record printed out?

21 A. Yes.

22 Q. When was the last time you saw this
23 document?

24 A. Usually we get them monthly, monthly

1 basis.

2 Q. Who is responsible for maintaining
3 this PM system on the computer?

4 A. Head of maintenance maintains the
5 system, the overall system, and the maintenance
6 people enter the data as they do the job.

7 Q. Now, in the note that I -- that you
8 and I were discussing previously, the one that I
9 put the box around, it says, and I will read it
10 again, March 1999, rotator jammed, most likely
11 caused seals to leak. Can you tell me how much
12 product was lost when these seals leaked?

13 A. A lot.

14 Q. Do you know specifically how much
15 product was lost?

16 A. No.

17 Q. Can you estimate how much product
18 was lost?

19 A. To my knowledge, no.

20 Q. Is there anyone within the
21 organization that could estimate how much product
22 was lost?

23 A. No.

24 Q. If I wanted to find that out, or if

1 I wanted to calculate that, how would I do that?

2 MR. WEINER: Let's make sure you are
3 talking about the same thing. Could you clarify
4 what you are referring to when you refer to
5 product?

6 MR. BIEDERMAN: Do you know what I
7 was referring to? I meant the product TCE.

8 THE WITNESS: Oh, I was just talking
9 about the solvent. I don't know which one.

10 MR. BIEDERMAN: Yeah, that's
11 exactly what I am talking about, thank you.

12 THE WITNESS: If the seal --

13 MR. WEINER: Dan, I am sorry, and
14 could you also explain, because I am not sure if
15 you're on the same page, what you mean when you
16 say lost product. Lost, what do you mean by
17 lost?

18 MR. BIEDERMAN: Sure.

19 BY MR. BIEDERMAN:

20 Q. It says that the rotator jammed,
21 most likely caused seals to leak.

22 And my question was: Was
23 product lost at that time? And the answer was
24 yes, a lot of product was lost at that time,

1 meaning --

2 A. The vapor.

3 Q. Thank you, please.

4 A. The vapor degreaser, the vapor can
5 escape through the seal. And so your product,
6 quote, the trichlor, would go away, go off into
7 the atmosphere.

8 MR. WEINER: Okay.

9 THE WITNESS: So it would lower the
10 level in the machine.

11 BY MR. BIEDERMAN:

12 Q. Well, now this notation, March of
13 1999, rotator jammed, most likely caused seals to
14 leak, and I believe that you said that a lot of
15 product was lost; is that correct?

16 A. Could have been, yes.

17 Q. And it says dumped system. Here is
18 where I am confused, if I then turn to March of
19 1999, and if I look at the amount that was added
20 to the system, in March of '99, there was 465
21 pounds added to the system. Does that seem
22 consistent with this statement that says the
23 system was dumped?

24 A. I don't know. What I do know is the

1 system was dumped means he cleaned it out.
2 That's my interpretation of it, that he cleaned
3 the system out.

4 Q. In November of 1998 it says repaired
5 shaft seals. Were those seals leaking?

6 A. I don't know.

7 Q. What other reason would cause
8 someone to repair the shaft seals?

9 A. The usage of the trichlor. We use
10 more trichlor, that indicates that there is a
11 leak someplace.

12 Q. At the top of this report I note
13 that it says trichloroethylene used in Machine
14 Number 1038. Are you familiar with that?

15 A. That's the vapor degreaser.

16 Q. Okay. But earlier you testified
17 that trichloroethane was used in the vapor
18 degreaser at some point in time; is that correct?

19 A. Yes.

20 Q. Do you know if subsequent to May of
21 1995 whether trichloroethane was ever used?

22 A. I don't know. I know we started out
23 with it, and then we switched to
24 trichloroethylene.

1 Q. Sir, are you aware of any releases
2 to the environment other than those that you have
3 testified here today about of either product or
4 waste trichloroethylene?

5 A. None, no.

6 Q. Are you aware of any releases to the
7 environment of any product or waste
8 trichloroethane?

9 A. No.

10 MR. BIEDERMAN: Would you mark that.

11 (WHEREUPON, a document was marked
12 Rexnord Deposition Exhibit No. 2
13 for identification as of 05/23/01.)

14 BY MR. BIEDERMAN:

15 Q. I am going to hand you what has now
16 been marked as Deposition Exhibit Rexnord No. 2.
17 For the record, it's a multi-page document. It
18 reflects various plans, and it is Bates stamped
19 TPI 03871 through TPI 03869.

20 Sir, have you ever seen these
21 before?

22 A. No.

23 Q. Now you have had an opportunity to
24 very briefly review each of these. Let's just

1 turn to the first page. It's identified as a
2 grading plan. Do you recognize this as the
3 Rexnord facility on Curtiss?

4 A. It's an older print, it looks like.
5 I am not familiar, that familiar with all the
6 prints and drawings of the plant.

7 Q. And I believe that there is a date
8 on this first page that includes a date of 2,
9 looks like, 13 of perhaps 78, so I would agree
10 with you that it's an older print. But would you
11 agree with me that this is a print of the Rexnord
12 facility on Curtiss?

13 A. It looks like it, yeah.

14 Q. And you see in the middle of the
15 print it says existing industrial building. Do
16 you see that?

17 A. Yes.

18 Q. And inside the building there is a
19 proposed addition that has hatch marks through
20 it. Do you see that?

21 A. Yes.

22 Q. Was that proposed addition ever
23 constructed?

24 A. I don't know.

1 Q. Do you know what's inside the
2 facility in that area today?

3 A. Looks like a loading dock. I don't
4 know.

5 Q. Directing your attention to the
6 western portion of the building, do you see to
7 the west of the existing industrial building it
8 says future addition?

9 A. Yes.

10 Q. Do you know whether that future
11 addition was ever constructed?

12 A. No.

13 Q. Is there a building there today,
14 sir?

15 A. I don't know the dimensions of the
16 building, so I can't answer that. There were
17 additions made to the building, though, before I
18 got there.

19 Q. Now do you see the drive that is
20 just north of the existing parking lot, and just
21 north of the drive it says existing oil quench
22 tank. Do you see that?

23 Now you have got to go to the
24 southern portion of the print. There you go.

1 A. Yes, I see that.

2 Q. Is that quench tank there today?

3 A. No.

4 Q. That quench tank was removed?

5 A. Yes.

6 Q. Do you know what year that was
7 removed?

8 A. No.

9 Q. Was that an underground storage
10 tank, sir?

11 A. Yes.

12 Q. Do you know what the capacity of
13 that tank was?

14 A. No, I don't recall.

15 Q. Were you involved in the removal of
16 that tank in any way?

17 A. Yes.

18 Q. Can you explain to me what your
19 involvement was?

20 A. We arranged to have all the
21 underground tanks removed.

22 Q. And how many underground storage
23 tanks were removed?

24 A. The ones that had oil in them, fuel.

1 oil.

2 Q. Do you know how many tanks?

3 A. Probably four.

4 Q. Four?

5 A. Four.

6 Q. Four tanks, sir?

7 A. I would say about four.

8 Q. You said about four, do you know or
9 are you estimating?

10 A. I am trying to count them up.

11 Q. Okay.

12 A. Oily waste tank, the vaulted tank,
13 fuel oil tank, and this one. So that would be
14 four.

15 Q. Let's talk for a minute about the
16 vaulted tank. Where was the vaulted tank
17 located?

18 A. The north side.

19 Q. Do you know what the capacity of the
20 vaulted tank was?

21 A. Yes.

22 Q. What was the capacity?

23 A. 2000 gallons.

24 Q. What was stored in the vaulted tank?

1 A. It was cutting oil.

2 Q. Do you know what year that tank was
3 removed?

4 A. No.

5 Q. Were all four tanks removed at the
6 same time?

7 A. No.

8 Q. Do you know the sequence?

9 A. The three tanks were removed, and
10 then the vaulted first, and the vaulted tank was
11 removed at a later date because it was a
12 different set of regulations that came about.

13 Q. The vaulted tank was an underground
14 storage tank?

15 A. Yes.

16 Q. Was it a RCRA tank?

17 A. It was exempted because of the
18 vault.

19 Q. And explain that to me. How was it
20 exempted because of the vault?

21 A. Because if you had a vaulted system,
22 it didn't fall under the tank, under US, under
23 Underground Storage Tank regulations. There was
24 some exemption, if my recollection is correct.

1 Q. The material that was stored in that
2 tank, was it a RCRA waste stream?

3 A. No.

4 Q. It was not?

5 A. No. I -- okay, I thought you were
6 talking RCRA. I am mixed up. It's the
7 Underground Storage Tank regulations I was
8 referring to.

9 Q. Okay.

10 A. With the vaulted tank.

11 Q. Okay.

12 A. Not the RCRA. This was not a RCRA
13 tank. This was a US, but it was exempt from the
14 regulations.

15 Q. But it contained waste, not product,
16 correct?

17 A. No. It contained product.

18 Q. Okay, thank you.

19 Do you know what year the
20 vaulted tank was removed?

21 A. No.

22 Q. What replaced the vaulted tank in
23 terms of storage capacity?

24 A. Aboveground tank inside the plant.

1 Q. And I am going to refer you to,
2 direct your attention to Exhibit No. 2, the
3 existing -- well, it says e-x-i-s-t oil quench
4 tank that we were referring to before on the very
5 first page.

6 A. Yes.

7 Q. That would have been a waste tank,
8 correct?

9 A. No.

10 Q. That would have been a product tank?

11 A. Yes.

12 Q. Is this the vaulted tank that you
13 were referring to? I understood you to say
14 earlier that the vaulted tank was on the north
15 side of the facility?

16 A. It is.

17 Q. So this is a quench oil tank?

18 A. That's correct.

19 Q. And it was used to store product?

20 A. Quench oil.

21 Q. Quench oil. And do you recall what
22 year this tank was removed?

23 A. No.

24 Q. Do you know whether this tank was

1 regulated under the Underground Storage Tank
2 regulations?

3 A. The tanks were removed before the
4 Underground Storage Tank regulations required you
5 to remove them.

6 Q. Okay. But my question wasn't
7 whether the Underground Storage Tank regulations
8 required them to be removed. I am just asking
9 whether you have any knowledge of whether these
10 tanks were regulated by the Underground Storage
11 Tank regulations?

12 A. To my knowledge, they weren't
13 regulated at the time they were removed.

14 Q. Do you know whether a permit was
15 obtained from the State Fire Marshal's Office
16 when removing this tank?

17 A. No.

18 Q. You don't know or you -- I'm sorry,
19 that was a bad question.

20 Was a permit obtained from the
21 State Fire Marshal's Office when this tank was
22 removed?

23 A. I really don't recall if we got one
24 or not.

1 Q. Were you present when this tank was
2 removed?

3 A. Physically present when they were
4 removing the tank? I don't recall.

5 Q. Do you recall whether you ever
6 looked in the excavation when the tank was
7 removed?

8 A. No, I don't recall.

9 Q. Do you know what contractor removed
10 the tank?

11 A. No, I don't recall.

12 Q. Do you know if the tank had ever
13 leaked when it was containing product?

14 A. No, it never leaked.

15 Q. Do you know why this quench oil tank
16 was removed from the ground?

17 A. Yes. We agreed, and I got
18 management to agree to remove all underground
19 tanks, and found an alternative way to handle the
20 materials that were in them. In this case, we
21 had furnaces now that were integral quench
22 furnaces, rather than open quench furnaces. So
23 we didn't have a need for the tank anymore.

24 Q. In your tenure with the company to

1 your knowledge, was there ever a release from an
2 underground storage tank on the premises?

3 A. Was there ever a release?

4 Q. Yes, sir.

5 A. From an underground storage tank?

6 Q. From any underground storage tank
7 holding either product or waste.

8 A. Could you rephrase the question. I
9 don't know how to answer it.

10 Q. Sure. During your tenure with the
11 company, are you aware of whether there was ever
12 at any time a release from an underground storage
13 tank of any material?

14 A. There was an incident. I don't know
15 if you would call it a release. That's where I
16 am having trouble. You know, how do you define
17 release?

18 Q. You seem to be having trouble with
19 the question.

20 A. With the release, right.

21 Q. Why are you having trouble?

22 A. There was one tank that we had a
23 waste tank where there was a small leak, okay.

24 Q. What was stored in the waste tank?

1 A. Oily waters, mineral spirits. It
2 was a mixture of mineral spirits, oily waters,
3 that type of thing.

4 Q. Where was that tank located on the
5 premises?

6 A. It was on the north side.

7 Q. Can you -- you can draw on this map
8 if you'd like.

9 A. Again, that's why I don't know.

10 Q. And if there is any other map that's
11 within this exhibit that would be better suited
12 to do this, that's fine, too.

13 A. I don't know where it was on this
14 map. It was in the chip shed.

15 Q. Do you recall when this -- and I
16 believe you referred to it as an incident, when
17 this incident occurred?

18 A. No, I don't recall a specific date.

19 Q. And how was Rexnord informed of this
20 incident? How was it made aware?

21 A. Our maintenance procedure required
22 periodic sticking of the tank to determine what
23 had to be pumped out. And we just pumped it out,
24 and it was filling up faster than it normally

1 would. So that raised a flag, and we started
2 checking to see what the problem was.

3 Q. Were written records maintained of
4 the volume of material in that underground
5 storage tank?

6 A. At the time, yes.

7 Q. And at the time, and again I'm sorry
8 if I asked you this, do you recall what year this
9 was?

10 A. No.

11 Q. Do you know if those written records
12 of the volume of material in the tank are still
13 maintained by Rexnord?

14 A. No, I don't believe so, to my
15 knowledge.

16 Q. Who is responsible for maintaining
17 those written records?

18 A. I kept some of the records, I
19 recall.

20 Q. Anyone else?

21 A. I don't believe so, no.

22 Q. Who was the individual that was
23 responsible for sticking the tank?

24 A. That I don't recall.

1 Q. Now, you said someone would be
2 responsible for sticking the tank. And what I
3 understand you meant by that was there was a long
4 stick that actually had a measure on it that
5 would measure the volume in the tank, and the
6 stick would be lowered into the tank, and then it
7 would be removed from the tank, and you would
8 look to see where the water level was on that
9 tank to measure the volume. Is that the process
10 that you referred to?

11 A. No.

12 Q. Explain to me what you meant when
13 the tank was stuck?

14 A. They take a stick, and put it down
15 and they pull it out and see where the level was.
16 Is that what you are saying?

17 Q. That's what I was trying to explain.
18 How often did you stick the tank?

19 A. I don't recall. It was -- I don't
20 recall exactly.

21 Q. When this incident, to use your
22 word, occurred, did anyone review the records to
23 see if material had been leaking from that tank
24 previously?

1 A. To my knowledge, no. It was
2 something that happened, it just sort of
3 happened, and we caught it right away because we
4 stuck the tank periodically. Weekly or monthly,
5 I don't recall exactly when.

6 Q. When you noticed that water was
7 infiltrating into the tank, is that a correct
8 characterization of this incident?

9 A. Yes.

10 Q. You would expect that it was ground
11 water that was leaking into the tank?

12 A. That's right.

13 Q. What did the company do about this?

14 A. We got ahold of an environmental
15 consultant.

16 Q. What consultant was that?

17 A. Metelhouser Corporation.

18 Q. What happened next?

19 A. Well, he had advised us, and we went
20 along with the recommendations.

21 Q. Was the tank removed?

22 A. Ultimately, yes.

23 Q. Do you know who removed the tank?

24 A. I don't recall at the moment.

1 Q. Was this tank ever used at any point
2 in time to store chlorinated solvents?

3 A. To my knowledge, no.

4 Q. Was a release from this tank
5 reported to the State Fire Marshal's Office?

6 A. No.

7 Q. Was a release from this tank
8 reported to the Illinois Environmental -- the
9 IEMA, the Illinois --

10 MS. POHN: Illinois Emergency
11 Management organization.

12 MR. BIEDERMAN: Thank you.

13 THE WITNESS: I don't believe they
14 existed then at that time.

15 BY MR. BIEDERMAN:

16 Q. Do you know whether a permit to
17 remove the tank was obtained from the State Fire
18 Marshal's Office?

19 A. I don't recall. Environmental
20 consultant handled all that, and we did
21 everything according to the rules whatever was
22 supposed to be done.

23 Q. Other than that one incident, you
24 are not aware of any releases from any

1 underground storage tanks?

2 A. No.

3 Q. Are you aware of any releases from
4 any management unit on the property?

5 A. Would you define management unit.
6 What do you mean by that?

7 Q. Whether it's an above ground, a
8 surface impoundment, a below ground, any type of
9 management unit to manage product or waste
10 material.

11 A. No, I don't recall.

12 Q. Referring your attention again to
13 the Exhibit No. 2 please, Page 1, just to the
14 west of the quench tank there is a notation that
15 says, existing sanitary, and I can't read the
16 next word, but it says pit. Do you know what
17 that is?

18 A. Where is this?

19 Q. On the first page, I'm sorry.

20 A. First page.

21 Q. Referring your attention to the
22 quench tank that we have been talking about.

23 A. Yes.

24 Q. Just to the west of that, there is a

1 notation that says, existing sanitary, and I
2 can't read the next word, pit. Do you know what
3 that is?

4 A. It's probably inspection pit.

5 Q. Do you know is that inspection pit
6 present today?

7 A. Yes.

8 Q. And just to the west of that and
9 below it south, it says, I can't read the word,
10 something MH, manhole?

11 A. Yes.

12 Q. Sealed. Do you know why that
13 manhole was sealed?

14 A. I don't -- there is a manhole there
15 today. It's not sealed, so I don't know what
16 that means, sealed.

17 Q. And what utility has access through
18 that manhole?

19 A. It's water, Sanitary District.

20 Q. Sanitary District. Does the
21 facility have a permit with the Downers Grove
22 Sanitary?

23 A. Yes.

24 Q. They do have a permit?

1 A. Uh-huh.

2 Q. Are they required to periodically
3 sample their discharge?

4 A. Yes.

5 Q. And how often are you required to
6 sample your discharge?

7 A. Three times a month.

8 Q. Three times. Have you ever been
9 noted for an exceedancy in your discharge to the
10 Sanitary District?

11 A. Nothing of any significance, no.

12 Q. But there have been exceedancies?

13 A. No.

14 Q. There's never been an exceedancy?

15 A. Could you define exceedancy.

16 Q. Sure. I would presume that -- and I
17 have never seen your permit, sir, but I would
18 presume that your permit has certain parameters
19 of various waste streams that the facility may
20 discharge into the system; is that correct?

21 A. Right.

22 Q. And it typically will quantify those
23 parameters. Do you understand what I mean?

24 A. Yes, I believe they do.

1 Q. Has the facility ever exceeded any
2 of those parameters that are located in its
3 permit?

4 A. I don't recall.

5 Q. Now below that sealed manhole, there
6 is a notation that says existing ditch. Is there
7 water in that ditch?

8 A. I am trying to think of where this
9 is, existing ditch. I don't know. There is a
10 storm water ditch where the roof drains into, if
11 that's what it is.

12 Q. I'd ask you to turn your attention
13 to the second page of this exhibit, and it bears
14 a Bates Stamp of TPI 03870. Do you see the
15 depiction of the existing building on this?

16 A. Yes.

17 Q. Sir, I would like to direction your
18 attention to the southwest, and I believe that
19 there is a depiction of a retention pond. Do you
20 see that?

21 A. Yes.

22 Q. And in the middle of the retention
23 pond, I can't read the writing. It says,
24 something of retention pond, rim something, and

1 then to the right or east of that, it says, new
2 retaining pond. Do you see that notation?

3 A. Yes.

4 Q. Are you familiar with the retention
5 pond that was on the property?

6 A. Yes.

7 Q. Can you tell me what you know about
8 that retention pond?

9 A. Yes.

10 Q. Okay.

11 A. Evidently when they added onto the
12 building, they were required to put a retention
13 pond in for storm water retention.

14 Q. Okay.

15 A. And that's what -- that's all it is.

16 Q. Was that retention pond ever used
17 for disposal purposes?

18 A. No.

19 Q. Do you know of any release of
20 hazardous substance into that retention pond at
21 any time?

22 A. No.

23 Q. Is it your understanding that that
24 retention pond drains into St. Joseph's Creek?

1 A. Yes.

2 Q. Are you aware that anyone has ever
3 taken any sampling of either of the water or the
4 soils or sediments in that retention pond?

5 A. To my knowledge, no.

6 Q. Is that retention pond still on the
7 premises today?

8 A. Yes.

9 Q. Directing your attention to the next
10 page of this exhibit, bearing the Bates Stamp of
11 TPI 03874. There is a notation in the middle of
12 this drawing, it says, "Note, slope to drain
13 only," and there is a dimension that I can't
14 read, sir. "This is generally not a wet floor.
15 These drains are only for small spills from 55
16 gallon drums and water used for wash down of
17 those spills."

18 Do you see that?

19 A. No.

20 Q. I know it's hard to see, but I was
21 referring to that legend there. (Indicating)

22 A. I don't even know what this is. Is
23 this a proposed?

24 Q. You don't recognize this as being

1 the Rexnord plant?

2 A. No.

3 Q. I can tell you that we obtained
4 these from the Building Department in Downers
5 Grove, and each of these drawings were retained
6 in sequence on microfilm, and that's where we
7 printed these out from.

8 A. What's the date on these?

9 Q. I don't know. You can't read it.

10 A. I don't know.

11 Q. I do note that the last page of the
12 exhibit, it looks like it was prepared by
13 Butters-Fetting Company, Inc., Milwaukee,
14 Wisconsin, Rexnord Bearing Division, 2400 Curtiss
15 Street, and it bears a date of 10/5 of '77.

16 I note on this drawing, and
17 again I am referring to, I believe it's the third
18 page, the Bates stamp is TPI 03874. Do you see
19 that Bates stamp?

20 A. Yes.

21 Q. I note on here that there are two
22 pits and it says, "pit, six inches deep under
23 grating".

24 Are you aware of two pits

1 within the facility that are described that way?

2 A. No. I don't recognize this.

3 Q. Okay. Turning to the next page
4 bearing the Bates stamp TPI 03873. I see that
5 there is in the middle of the drawing, it states,
6 new heat treat building. And then above it says,
7 existing heat treat building. Do you recognize
8 this drawing as being Rexnord?

9 A. I don't know. It's similar.
10 Looks -- I don't know.

11 Q. To the west of the depiction, it
12 says, new heat treat building -- strike that.

13 Is there a building -- where
14 it says new heat treat building, do you believe
15 that, in fact, this building was constructed?

16 A. Yes, they did construct a building.

17 Q. And to the west on this picture of
18 the new heat treat building legend, it says, one
19 foot, 9 inch deep pit. Do you see that?

20 A. Yes.

21 Q. Is that pit there today?

22 A. One foot, 9 inches. I don't know.

23 Q. Below that, there is a depiction, it
24 says new underground oil quench tank. Do you see

1 that?

2 A. Yes.

3 Q. Is that oil quench tank there today?

4 A. That is the tank, I believe, that
5 was removed or the one that was there.

6 Q. Follow me over to the east. It says
7 new plating building. Do you see that?

8 A. Yeah.

9 Q. Was that plating building
10 constructed?

11 A. Yes.

12 Q. Below that, it says, tank storage
13 pit. Do you see that?

14 A. Tank storage pit. There is a waste
15 treatment pit.

16 Q. Well, I am north of the waste
17 treatment pit.

18 A. Tank storage pit. Yes, I see that.

19 Q. Can you tell me what the purpose of
20 the tank storage pit is?

21 A. There is a plating department with a
22 floor, grated floor, and that must be what it's
23 referring to. Other than that, I don't know.

24 Q. What's the purpose of the grated

1 floor?

2 A. Well, for spills, overflows in the
3 plating department. You have a lot of water, a
4 lot of tanks.

5 Q. If you removed one of the grates and
6 looked down below, what would you see?

7 A. You'd see a floor, concrete floor,
8 special floor.

9 Q. And how deep is that pit?

10 A. Two, three feet, I would think.
11 Right now from my observation, what's there now.
12 I don't know.

13 Q. And this tank storage pit, are there
14 any drains in that floor?

15 A. No.

16 Q. How is that -- I'm sorry.

17 A. It's a segregated floor for acids
18 and caustics so things don't mix, and they each
19 drain into a waste water treatment area.

20 Q. Sir, are you telling me that each of
21 these pits are serially connected to the waste
22 treatment pit?

23 A. Yes. There is segregation in the
24 floor.

1 Q. So by looking at this map I don't
2 see that. Would you expect that that would be
3 denoted on a separate perhaps plumbing drawing?

4 A. I don't know.

5 Q. Okay. So you believe that the tank
6 storage pit is connected to the pit that's
7 directly south of that that is connected directly
8 to the waste treatment pit?

9 A. Yes. The floor is designed to be --
10 the plating department that's in place now was
11 designed to have a system over to the waste water
12 treatment area.

13 Q. And where does the waste treatment
14 pits flow to?

15 A. There is a series of tanks in the
16 waste treatment area, and the waste is treated
17 and then released to the Downers Grove Sanitary
18 District.

19 Q. Do you know what the capacity of
20 that pit is in gallons?

21 A. Which pit?

22 Q. The waste treatment pit.

23 A. No, I don't.

24 Q. If I wanted to find that out, do you

1 know who I would talk to?

2 A. I guess I would be the guy, or we
3 would have to get an engineer or somebody to
4 measure it to get dimensions.

5 Q. How is the material in the waste
6 treatment pit transferred into a system that
7 would take it to the Downers Grove Sanitary
8 District?

9 A. There is a series of tanks in the
10 waste water treatment pit, and there is pumps.
11 So waste is generated. These are aqueous wastes
12 that are generated, and they are pumped into the
13 appropriate treatment tank.

14 Q. Turn your attention to the next
15 drawing, bearing the Bates stamp of TPI 03872.
16 There is an area on this drawing that states it's
17 a new storage area, non-flammable storage. Do
18 you see that?

19 A. Yes.

20 Q. Was that constructed?

21 A. I don't know where this is. I don't
22 know.

23 Q. There is also a notation on this
24 drawing where to the right or east, if you will,

1 it says, existing industrial building, and then
2 above that it says, new addition, and there is a
3 circle around that. Do you see that?

4 A. Yes.

5 Q. This almost appears to be some type
6 of out building. Is that where the new storage
7 area, non-flammable storage is located?

8 A. I don't know.

9 Q. You referred to earlier today --

10 A. 74.

11 Q. -- a chipping building. Do you
12 recall that?

13 A. A chip shed?

14 Q. Yes, thank you.

15 Referring your attention to
16 the first page of this exhibit. Could you show
17 me on this page, if you can, where that chip shed
18 was located?

19 A. I can't tell from this drawing.
20 No, I don't know. The chip shed is on the north
21 side of the building, but I don't know. I can't
22 tell you from this where it would be.

23 Q. Now I live in the area, and I drive
24 down Curtiss frequently, and I notice that the

1 Rexnord facility is a secured building; is that
2 correct?

3 Let me tell you what I mean by
4 that. There is a fence all around the building
5 and there is --

6 A. Yes.

7 Q. There is a gate house?

8 A. Yes.

9 Q. And there is a guard in the gate
10 house?

11 A. Periodically at certain times, yes.

12 Q. Do you know when that guard is
13 stationed there?

14 A. When the plant is not operating.
15 Usually on weekends and, you know.

16 Q. When the plant is operated, is that
17 guardhouse manned?

18 A. No.

19 Q. Is there some type of key system to
20 get into the plant?

21 A. Yes.

22 Q. So it's fair to characterize it as a
23 secured area?

24 A. Right.

1 Q. Have you had any vandalism inside
2 the facility?

3 A. No, to my knowledge.

4 Q. What was the purpose for having a
5 guardhouse and a guard present at certain times
6 during the day and a fence all around the plant?

7 A. I don't know. Probably general
8 security.

9 Q. Just so that I am clear, the
10 underground storage tank that had the one event
11 that you spoke of, you said that that was located
12 in the chip shed; is that correct?

13 A. In that same area, yes.

14 Q. Was it inside the shed or was it
15 outside the shed?

16 A. It was under the cover of the shed.

17 Q. And just so that I am clear, you
18 have testified that you are not aware of any
19 release of hazardous substances into the
20 environment other than the releases that we
21 described in relation to your FESOP?

22 A. That's correct.

23 Q. And when I say a release of
24 hazardous substance, I am speaking of either

1 product or waste.

2 A. Yes.

3 Q. Your answer would still be correct?

4 A. That's correct.

5 Q. Now I noticed in the materials that
6 were produced by your lawyer in connection with
7 this matter that there were notices by the IEPA
8 of certain alleged violations. Are you familiar
9 with those allegations?

10 A. No.

11 MR. WEINER: Can we stop for a
12 minute.

13 MR. BIEDERMAN: Sure.

14 (WHEREUPON, short break was had.)

15 BY MR. BIEDERMAN:

16 Q. Sir, do you know of a gentleman by
17 the name of Aaron Hardt?

18 A. Yes.

19 Q. Can you tell me who he is?

20 A. He is an environmental attorney and
21 handles affairs for Rexnord.

22 Q. And he offices in Brookfield,
23 Wisconsin?

24 A. Milwaukee area, yes.

1 MR. BIEDERMAN: Let's go ahead and
2 mark this.

3 (WHEREUPON, a document was marked
4 Rexnord Deposition Exhibit No. 3
5 for identification as of 05/23/01.)

6 BY MR. BIEDERMAN:

7 Q. Sir, are you familiar with whether
8 there's ever been any problems with Rexnord's
9 RCRA storage facility area?

10 A. No.

11 Q. I am going to hand you what's been
12 marked as Rexnord Deposition No. 3. What date is
13 on this?

14 A. This is all legal stuff.

15 Q. Sir, have you ever seen that
16 document? I don't know if you are still
17 reviewing it. I don't mean to interrupt.

18 A. No, I don't recall seeing it.

19 Q. Do you know what that letter refers
20 to or pertains to?

21 A. A closure. My recollection was that
22 we originally when the regs came out, we thought
23 we had applied for a permit, but we didn't, you
24 know, for a RCRA permit, and we never needed one.

1 And this was just getting to the point where we
2 withdrew our original application kind of thing.
3 I think this is how it ended up being handled.

4 If that's what it's about.
5 That's what it looks like. There was something
6 about closure, but we were never a -- never
7 needed a permit, so we withdrew our request for a
8 Part B or whatever it was. I forget now.

9 Q. What's the date of that letter, sir?

10 A. Eighty something, '85.

11 Q. April 12th?

12 A. June 18th.

13 MR. BIEDERMAN: Why don't you go
14 ahead and mark that.

15 (WHEREUPON, a document was marked
16 Rexnord Deposition Exhibit No. 4
17 for identification as of 05/23/01.)

18 BY MR. BIEDERMAN:

19 Q. Sir, I am going to hand you what has
20 been marked as Rexnord Exhibit No. 4, and ask you
21 to read that.

22 Sir, do you know does Exhibit
23 No. 4 relate to Exhibit No. 3?

24 A. I don't know. It's apparent

1 violation, I think that's what he is referring
2 to.

3 Q. Can I see Exhibit 4 again. Have you
4 ever seen this document before?

5 A. I don't recall seeing it. My name
6 is on it.

7 Q. That's your name?

8 A. Yes.

9 Q. Next to the bcc?

10 A. Yes.

11 Q. It says that -- it refers to
12 apparent violations identified in Attachment A
13 thereto and our plans to correct those apparent
14 violations.

15 Do you know what the rider
16 here was referring to in connection with the
17 plans to correct the apparent violations?

18 A. No, I don't recall.

19 Q. Is this gentleman, Mr. Hardt, is he
20 still employed with Rexnord today?

21 A. Yes.

22 Q. And he is still located in
23 Milwaukee?

24 A. Yes.

1 Q. Can you tell me who a J. Lorenzen
2 is?

3 A. No.

4 Q. L-o-r-e-n-z-e-n.

5 A. No.

6 Q. You don't recognize that name?

7 A. No.

8 Q. How about a R. M-u-e-h-l?

9 A. No, I don't know these people.

10 Q. And a V. Smith?

11 A. Vance Smith, Vance Smith. Maybe he
12 was an attorney at the time, but I don't know. I
13 don't think -- he is no longer with the company.

14 Q. The company that responded to the
15 leaking underground storage tank, could that have
16 been Petro-Chem?

17 A. Sounds -- Petro-Chem did do some
18 work for us, yes.

19 Q. Do you know whether Petro-Chem
20 installed any monitoring wells on the property?

21 A. At the time of the one tank
22 incident, yes, we had a tank. We had wells
23 installed.

24 Q. Do you know how many wells were

1 installed?

2 A. I don't recall on that.

3 Q. Do you know whether those wells were
4 ever sampled?

5 A. Yes, they were.

6 Q. Do you know how many samples were
7 collected from those wells?

8 A. We followed a procedure to sample on
9 a regular basis and had them analyzed and came up
10 with. I don't know.

11 Q. Thank you. I didn't mean to
12 interrupt. Do you know what period of time those
13 wells were sampled over?

14 A. It was shortly after we had the pipe
15 break on that tank.

16 Q. Do you know whether those wells
17 exist today?

18 A. No, they don't exist. They have all
19 been capped and closed.

20 Q. They have been abandoned?

21 A. The sampling wells?

22 Q. Yes, sir.

23 A. Yes, they were sealed. You know,
24 they did their work, and they did the sample for

1 a prescribed period of time, and then they sealed
2 them back up. I don't know. Poured concrete in,
3 or whatever they did to them.

4 Q. When you said over the prescribed
5 period of time, do you know who prescribed the
6 period of time that those wells were to be
7 sampled?

8 A. I was working with our environmental
9 consultant at the time.

10 Q. Do you know whether those wells were
11 sampled for any volatile organic material?

12 A. I -- I don't really know. I can't
13 recall.

14 Q. Do you know what those wells were
15 sampled for?

16 A. Probably for what we had. Again, I
17 can only speculate. Probably for what was in the
18 tank, oily waters and solvents, and stuff like
19 that.

20 Q. Now you said, sir, you can only
21 speculate. Is there someone within the
22 company that would be more knowledgeable on
23 this issue?

24 A. No.

1 Q. Is there someone that's left the
2 company that would be more knowledgeable on this
3 issue?

4 A. I don't think so, no.

5 Q. So you would have been the person
6 that would have handled this?

7 A. Right.

8 Q. Do you know who supplied the
9 degreaser? Where it was purchased from?

10 A. A place in Florida. I can't recall
11 the name of it offhand.

12 Q. But that degreaser is still in
13 operation today?

14 A. Yes.

15 Q. In your facility?

16 A. Yes.

17 Q. And do you know does the company
18 file annual emissions reports?

19 A. Our company?

20 Q. Yes, sir.

21 A. Yes.

22 Q. And who prepares the annual
23 emissions report?

24 A. I do.

1 Q. And do you maintain those annual
2 emission reports in a file that you maintain?

3 A. Yes.

4 Q. Is the information in Deposition
5 Exhibit Rexnord No. 1, is that information used
6 to prepare that report?

7 A. You mean this?

8 Q. Yes, sir.

9 A. Information from this goes into the
10 report?

11 Q. Yes, sir.

12 A. Yes.

13 MR. BIEDERMAN: I don't have any
14 further questions at this time.

15 MR. MADONIA: None for me.

16 MS. POHN: I just have a couple
17 really quick ones.

18 EXAMINATION

19 BY

20 MS. POHN:

21 Q. Can you tell me currently how many
22 employees there are with Rexnord?

23 A. Right now, approximately 450.

24 Q. And those are all employed at this

1 local facility?

2 A. At the two plants, yes.

3 Q. The plant on Curtiss and the one
4 adjacent to it?

5 A. Right.

6 Q. Is there much turnover in the
7 employees there?

8 A. That's a manufacturing plant. I
9 would think so, yes.

10 Q. Are you aware throughout your
11 history with the company of any disgruntled
12 employees discharged, fired?

13 A. Not to my knowledge, no.

14 Q. You stated earlier you weren't aware
15 of any incidents of vandalism or sabotage at the
16 site; is that correct?

17 A. No.

18 Q. Have you ever been cited for any
19 OSHA violations involving TCE or the handling of
20 TCE?

21 A. To my knowledge, no.

22 MS. POHN: That's it.

23 MR. BIEDERMAN: Okay, thank you.

24 MR. WEINER: Thanks for your time.

1 MS. REPORTER: Do you want him to
2 read and sign, Mr. Weiner?

3 MR. WEINER: Yes.

4 (FURTHER DEPONENT SAITH NOT)

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1 STATE OF ILLINOIS)
) SS:
 2 COUNTY OF DU PAGE)

3 IN THE CIRCUIT COURT OF THE
 4 EIGHTEENTH JUDICIAL CIRCUIT
 DUPAGE COUNTY - WHEATON, ILLINOIS

5 PEOPLE OF THE STATE OF ILLINOIS,)
 ex rel.,)
 6 Plaintiff,)
 7 vs.) No. 01 CH 62
 8 THE LOCKFORMER COMPANY, et al.,)
 Defendants.)
 9

10 This is to certify that I have read
 11 the transcript of my deposition taken on May 23,
 12 2001 in the foregoing cause, consisting of Pages
 13 1 - 122, inclusive, and that the foregoing
 14 transcript accurately states the questions asked
 15 and the answers given by me, with corrections, if
 16 any, appearing on the attached correction
 17 sheet(s).

18 ___correction sheets attached.

19
 20 _____
 RUDOLPH A. FUYS, JR.
 REXNORD CORPORATION

21
 22 SUBSCRIBED AND SWORN TO
 BEFORE ME THIS ___ DAY OF
 23 _____, A.D., 2001.

24 _____
 NOTARY PUBLIC.

STATE OF ILLINOIS)) SS:
COUNTY OF DU PAGE)

I, MARIBETH REILLY, a Notary Public within and for the County of DuPage, State of Illinois, and a Certified Shorthand Reporter of said State, do hereby certify that heretofore, to-wit, on May 23, 2001, personally appeared before me at 3140 Finley Road, in the City of Chicago, County of Cook and State of Illinois, REXNORD CORPORATION/RUDOLPH A. FUYS, JR., Witness, in a certain cause now pending and undetermined in the Circuit Court of DuPage County, Illinois.

I further certify that the said REXNORD CORPORATION/RUDOLPH A. FUYS, JR., was by me first duly sworn to testify the truth, the whole truth, and nothing but the truth in the cause aforesaid; that the testimony then given by said witness was reported stenographically by me, in the presence of the said witness, and afterwards reduced to typewriting; and the foregoing is a true and complete and correct transcript of the testimony so given by said witness as aforesaid.

1 I further certify that the signature
2 of the witness to the foregoing deposition was
3 reserved.

4 I further certify that I am not
5 counsel for nor in any way related to any of the
6 parties to this suit, nor am I in any way
7 interested in the outcome thereof.

8 In testimony whereof, I have hereunto
9 set my hand and affixed my Notarial Seal this 6th
10 day of June, A.D., 2001.

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Certified Shorthand
Reporter

Notary Public
DuPage County, Illinois.

C.S.R. No. 084-002306

"OFFICIAL SEAL"
MARIBETH REILLY
Notary Public, State of Illinois
My Commission Exp. 08/07/2002

**WORD
INDEX**

<p align="center">-&-</p> <p>& [5] 2:9,13,17 10:16,20</p> <hr/> <p align="center">-1-</p> <p>'50s [1] 16:9 '60s [1] 16:9 '77 [1] 103:15 '85 [1] 114:10 '89 [5] 38:12,12 49:23,23 71:10 '95 [1] 18:7 '96 [1] 65:11 '97 [5] 55:9,12 56:10,13 58:24 '99 [1] 79:20</p>	<p align="center">-2-</p> <p>2 [20] 3:20 26:13,21,24 27:9,10 27:12,15,18 28:3,5,10,13 29:18 41:24 81:12,16 82:8 88:2 97:13 2000 [4] 48:2,2 51:13 85:23 2001 [7] 2:2 8:3 51:10 123:12 123:22 124:7 125:10 206 [2] 1:14 8:4 20th [1] 2:6 21 [1] 6:20 22 [3] 4:20 5:1 46:19 225 [2] 2:9,14 227 [1] 2:18 23 [3] 2:1 123:11 124:7 2324 [2] 31:12,16 24 [1] 37:16 2400 [5] 17:5,8 30:18 31:7 103:14 2500 [2] 42:7,9</p>	<p>9 [2] 104:19,22</p> <hr/> <p align="center">-A-</p> <p>A.D [2] 123:22 125:10 a.m [2] 2:2,2 Aaron [1] 112:17 abandoned [1] 117:20 able [1] 66:14 above [5] 42:11,12 97:7 104:6 109:2 aboveground [4] 42:8,16,24 87:24 absolutely [2] 44:13 62:22 acceptable [1] 19:9 access [2] 57:6 98:17 accomplish [1] 38:17 according [2] 21:10 96:21 accumulate [1] 42:7 accumulated [1] 42:4 accurate [1] 28:7 accurately [1] 123:14 acidic [1] 34:2 acids [1] 106:17 act [2] 33:1,4 action [1] 37:2 actual [3] 64:19 65:3 66:15 actuals [1] 66:12 add [3] 60:11,12 73:19 added [9] 54:8,14,21 58:23 59:16 60:19 79:19,21 101:11 addition [6] 39:24 82:19,22 83:8,11 109:2 additional [2] 49:13 59:10 additions [1] 83:17 address [1] 17:3 adds [1] 62:17 adjacent [2] 31:9 121:4 adjusting [2] 18:17,19 advise [1] 22:3 advised [1] 95:19 affairs [3] 4:24 6:3 112:21 affixed [1] 125:9 aforesaid [2] 124:18,24 afterwards [1] 124:21 again [11] 13:3 37:24 48:13 74:24 77:10 92:9 93:7 97:12 103:17 115:3 118:16 agencies [1] 26:14 agency [6] 68:15,18,22 69:6,12 69:14 ago [2] 5:2 16:15 agree [5] 8:22 55:20 82:9,11 90:18 agreed [2] 59:1 90:17 agreement [1] 49:8 ahead [3] 46:8 113:1 114:14 ahold [1] 95:14 air [2] 67:23 69:2 aircraft [3] 30:5 31:24 32:8</p>	<p>al [1] 123:8 allegation [1] 13:21 allegations [1] 112:9 alleged [1] 112:8 Allen [1] 2:13 almost [3] 30:14 67:7 109:5 along [3] 40:21 49:15 95:20 alternative [1] 90:19 always [5] 22:6,9 23:15 45:24 57:14 American [2] 5:16,19 amount [10] 37:20 38:3 53:21 54:7 55:11,13 60:18 63:5 65:3 79:19 analysis [5] 20:20 23:24 24:3 47:8,21 analytical [2] 24:7,16 analyze [1] 18:22 analyzed [1] 117:9 annual [13] 27:10 53:22 64:15 65:2 66:21,24 68:23,24 69:2,4 119:18,22 120:1 answer [5] 52:17 78:23 83:16 91:9 112:3 answers [1] 123:15 anticipate [5] 35:11,16 59:17 73:3,18 apparent [4] 114:24 115:12,13 115:17 appeared [5] 2:7,11,15,19 124:7 appearing [1] 123:16 application [1] 114:2 applied [1] 113:23 appropriate [1] 108:13 approved [1] 23:19 approximate [1] 55:1 April [1] 114:11 aqueous [1] 108:11 area [21] 5:23 13:22 14:1 42:8 43:13,14 44:1 52:21 53:5 83:2 106:19 107:12,16 108:16,17 109:7,23 110:23 111:13 112:24 113:9 areas [1] 5:9 arms [1] 37:11 arranged [1] 84:20 arrived [1] 73:9 Art [4] 6:15,15,18 11:3 assembling [1] 37:4 assembly [2] 36:23 40:19 assigned [1] 56:22 Assistant [1] 2:4 Association [1] 5:17 atmosphere [1] 79:7 attached [4] 8:3 43:23 123:16 123:18 Attachment [1] 115:12 attention [11] 17:11 58:22 83:5 88:2 97:12,21 100:12,18 102:9 108:14 109:15</p>
<p align="center">-0-</p> <p>01 [2] 1:9 123:7 03869 [1] 81:19 03870 [1] 100:14 03871 [1] 81:19 03872 [1] 108:15 03873 [1] 104:4 03874 [2] 102:11 103:18 05/23/01 [4] 46:11 81:13 113:5 114:17 084-002306 [1] 125:18</p>	<p align="center">-3-</p> <p>3 [4] 3:21 113:4,12 114:23 3-month [4] 61:17,20,23 62:6 302 [2] 28:18 29:13 3140 [2] 1:24 124:8 34 [1] 46:20 36 [1] 37:12</p>		
<p align="center">-1-</p> <p>1 [14] 1:14 3:19 8:4 26:13,20,24 27:8 41:24 46:10,16 69:10 97:13 120:5 123:13 10 [1] 35:22 10,000 [1] 29:3 10/5 [1] 103:15 1000 [2] 41:11,13 1038 [3] 76:1,2 80:14 10:00 [1] 2:2 113 [1] 3:21 114 [1] 3:22 12-month [2] 61:19,23 120 [1] 3:6 122 [1] 123:13 123 [2] 63:9,10 12th [1] 114:11 13 [1] 82:9 1300 [1] 2:10 188 [1] 2:5 18th [1] 114:12 1980 [1] 26:10 1980s [1] 7:8 1989 [9] 38:12,13,16 41:5 49:21 50:7 71:9,16,18 1995 [3] 18:7 75:23 80:21 1996 [4] 47:24,24 48:5,15 1998 [2] 72:12 80:4 1999 [4] 72:13 77:10 79:13,19</p>	<p align="center">-4-</p> <p>4 [6] 3:5,22 114:16,20,23 115:3 450 [1] 120:23 46 [1] 3:19 465 [1] 79:20 4th [1] 8:2</p> <hr/> <p align="center">-5-</p> <p>5/4 [1] 48:2 500 [1] 75:23 55 [3] 35:5 38:4 102:15</p> <hr/> <p align="center">-6-</p> <p>60601 [1] 2:6 60606-1229 [1] 2:14 60606-3418 [1] 2:10 60606-5096 [1] 2:18 62 [2] 1:9 123:7 6th [1] 125:9</p> <hr/> <p align="center">-7-</p> <p>74 [1] 109:10 78 [1] 82:9</p> <hr/> <p align="center">-8-</p> <p>81 [1] 3:20</p> <hr/> <p align="center">-9-</p>		

<p>attorney [15] 1:5,7 2:4 9:6,15 9:17,21 10:6,15 15:11 24:23 25:2,10 112:20 116:12</p> <p>attorneys [2] 10:19 13:15</p> <p>author [1] 62:12</p> <p>available [1] 18:15</p> <p>Avenue [2] 16:23 45:7</p> <p>average [8] 61:1,17,19,23 62:2 62:6 64:9 66:24</p> <p>averages [1] 62:5</p> <p>aware [15] 8:11 25:14 26:16 53:4 81:1,6 91:11 92:20 96:24 97:3 102:2 103:24 111:18 121:10,14</p> <p>away [2] 79:6 95:3</p>	<p>blackened [2] 63:20,21</p> <p>block [1] 44:2</p> <p>board [1] 7:7</p> <p>boil [1] 60:10</p> <p>boilers [1] 60:9</p> <p>bottom [1] 46:18</p> <p>bought [3] 45:18,21 48:24</p> <p>box [3] 72:16 75:4 77:9</p> <p>brandname [1] 45:18</p> <p>break [7] 34:10 44:12,15 62:21 62:23 112:14 117:15</p> <p>briefly [1] 81:24</p> <p>bring [1] 40:5</p> <p>bringing [2] 39:22 40:2</p> <p>Brookfield [1] 112:22</p> <p>brought [1] 39:15</p> <p>build [1] 16:11</p> <p>building [32] 17:7,9 43:15,23 43:23 44:2 82:15,18 83:6,7,13 83:16,17 100:15 101:12 103:4 104:6,7,12,13,14,15,16,18 105:7 105:9 109:1,6,11,21 110:1,4</p> <p>bulk [2] 41:11,13</p> <p>bunch [1] 21:15</p> <p>Bureau [1] 2:5</p> <p>Burkett [1] 74:17</p> <p>burrs [1] 39:1</p> <p>business [1] 16:3</p> <p>Butters-Fetting [1] 103:13</p>	<p>125:1,4</p> <p>CH [2] 1:9 123:7</p> <p>Chain [2] 45:11,15</p> <p>change [2] 49:18 75:2</p> <p>changed [2] 18:5,9</p> <p>characterization [2] 59:24 95:8</p> <p>characterize [1] 110:22</p> <p>charge [2] 49:10,13</p> <p>check [1] 29:24</p> <p>checking [5] 19:17 21:8 24:20 24:20 93:2</p> <p>checks [1] 76:9</p> <p>chemical [2] 23:22 29:13</p> <p>chemistry [4] 18:17,20,22 19:8</p> <p>Chicago [5] 2:6,10,14,18 124:9</p> <p>chief [1] 39:11</p> <p>chip [10] 43:17,19,20,21,22 92:14 109:13,17,20 111:12</p> <p>chipping [1] 109:11</p> <p>chlorinated [6] 70:2,4,9,12,15 96:2</p> <p>Chuhak [1] 2:9</p> <p>circle [1] 109:3</p> <p>Circuit [5] 1:3,3 123:3,3 124:12</p> <p>cited [1] 121:18</p> <p>City [1] 124:8</p> <p>Civil [1] 1:18</p> <p>clarify [2] 61:6 78:3</p> <p>Clayton [1] 2:22</p> <p>clean [4] 36:21 37:1 40:7 60:8</p> <p>cleaned [6] 36:13 39:7 55:18,22 80:1,2</p> <p>cleaner [4] 19:15,23 20:12 40:9</p> <p>cleanliness [1] 20:10</p> <p>clear [7] 40:11 48:5 55:18 65:6 65:18 111:9,17</p> <p>closed [1] 117:19</p> <p>closure [2] 113:21 114:6</p> <p>Code [1] 1:18</p> <p>Coleman [10] 48:21,24 49:1,13 49:17,20 50:1,2,2 72:2</p> <p>collect [1] 39:5</p> <p>collected [1] 117:7</p> <p>color [3] 63:22,23 64:1</p> <p>column [10] 54:11 62:4,8 63:20 64:4,15,17 65:3 66:20,23</p> <p>columns [1] 65:16</p> <p>coming [2] 12:15 19:13</p> <p>commencing [1] 2:2</p> <p>communicated [1] 19:7</p> <p>communications [1] 6:6</p> <p>companies [1] 14:2</p> <p>company [23] 1:10 2:11 4:22 5:1 8:14 45:12,15,17 50:24 66:8 68:7 90:24 91:11 95:13 103:13 116:13,14 118:22 119:2,17,19 121:11 123:8</p> <p>complete [3] 28:6 53:17 124:22</p> <p>completed [5] 26:20,24 27:15</p>	<p>27:18 28:5</p> <p>completing [1] 27:12</p> <p>completion [1] 27:8</p> <p>compliance [2] 6:5 26:9</p> <p>complied [1] 26:17</p> <p>compounds [1] 52:6</p> <p>computer [4] 63:11,22 76:17 77:3</p> <p>concentrations [1] 53:6</p> <p>concerning [3] 9:18 13:21 15:3</p> <p>concluded [1] 59:1</p> <p>concrete [2] 106:7 118:2</p> <p>condition [1] 19:8</p> <p>conducted [4] 13:23 25:6 31:17- 51:22</p> <p>conducting [1] 13:24</p> <p>confidential [6] 67:17,21 69:20 69:21,24 70:5</p> <p>confused [2] 65:16 79:18</p> <p>confusion [2] 60:16 65:18</p> <p>conjunction [1] 47:20</p> <p>connected [3] 106:21 107:6,7</p> <p>connection [3] 31:23 112:6 115:16</p> <p>Conservation [1] 32:24</p> <p>consider [3] 35:21 69:20,23</p> <p>considered [2] 31:12 35:23</p> <p>consistent [1] 79:22</p> <p>consisting [1] 123:12</p> <p>constituents [1] 23:22</p> <p>construct [1] 104:16</p> <p>constructed [6] 17:9 82:23 83:11 104:15 105:10 108:20</p> <p>consultant [5] 25:19 95:15,16 96:20 118:9</p> <p>contact [2] 17:20 18:11</p> <p>contain [1] 52:11</p> <p>contained [5] 39:4 42:8 44:4 87:15,17</p> <p>containing [1] 90:13</p> <p>containment [2] 42:19 43:12</p> <p>contamination [2] 55:23 60:6</p> <p>contiguous [1] 31:10</p> <p>continuing [1] 46:19</p> <p>contractor [1] 90:9</p> <p>Cook [1] 124:9</p> <p>coolant [4] 18:24 19:1,7,17</p> <p>coolants [3] 18:14,16,17</p> <p>copies [1] 24:6</p> <p>copy [5] 7:15,19 23:11 28:2 46:14</p> <p>corporation [10] 1:10,11,12 2:19 4:17 18:21 41:19 44:7 95:17 123:20</p> <p>CORPORATION/RUDOLPH [3] 1:15 124:10,15</p> <p>correct [62] 5:7,8 7:13 8:16,20 15:16,19 16:12,18,20 17:14,15 18:2 25:3,16,17,23 29:19,23 31:8 32:19 33:13,14 34:14 35:1</p>
-B-			
<p>B [2] 3:14 114:8</p> <p>backup [1] 75:1</p> <p>bad [2] 70:4 89:19</p> <p>ballpark [1] 38:6</p> <p>based [1] 67:2</p> <p>basic [1] 13:12</p> <p>basis [9] 27:10 53:22 54:8 61:2 63:14,17 69:4 77:1 117:9</p> <p>baskets [1] 36:14</p> <p>Bates [8] 46:18 81:18 100:14 102:10 103:18,19 104:4 108:15</p> <p>bcc [1] 115:9</p> <p>bearing [10] 31:14 32:3,14,16 44:23 45:16 102:10 103:14 104:4 108:15</p> <p>bearings [5] 32:4 39:7 45:11 45:15,19</p> <p>bears [3] 46:18 100:13 103:15</p> <p>Beaver [1] 43:4</p> <p>become [1] 36:22</p> <p>began [1] 5:1</p> <p>beginning [1] 46:19</p> <p>behalf [5] 2:7,11,15,19 4:3</p> <p>beings [1] 17:20</p> <p>Belmont [1] 45:6</p> <p>Belmont-Highwood [1] 53:9</p> <p>below [7] 42:11 97:8 98:9 100:5 104:23 105:12 106:6</p> <p>Belt [2] 45:11,15</p> <p>best [1] 24:5</p> <p>better [5] 20:14 40:7,12,12 92:11</p> <p>between [2] 34:24 43:6</p> <p>bid [1] 49:15</p> <p>Biederman [43] 2:8 3:5 4:8 7:18,21 10:9 13:19 44:13,16 46:7,12 52:14,19 53:2,3,15,19 56:6,11 61:8,11,15,21 62:19,24 63:2 78:6,10,18,19 79:11 81:10 81:14 96:12,15 112:13,15 113:1 113:6 114:13,18 120:13 121:23</p> <p>BIRKETT [1] 1:6</p> <p>black [1] 63:20</p> <p>blacked [2] 62:7,9</p>	<p>c-h-i-p [2] 43:20,21</p> <p>C.S.R [2] 2:23 125:18</p> <p>cad [2] 28:21,21</p> <p>cadmium [8] 28:17 29:9,9,21 30:3,7 33:19,20</p> <p>calculate [3] 62:17 66:12 78:1</p> <p>calculations [3] 53:21 54:2 59:11</p> <p>capacity [9] 37:22 55:1 59:18 73:10 84:12 85:19,22 87:23 107:19</p> <p>capped [1] 117:19</p> <p>card [1] 5:6</p> <p>carousel [1] 36:19</p> <p>case [1] 90:20</p> <p>caught [1] 95:3</p> <p>caused [4] 72:14 77:11 78:21 79:13</p> <p>caustic [1] 34:3</p> <p>caustics [1] 106:18</p> <p>cell [1] 75:6</p> <p>cells [2] 66:5,15</p> <p>cement [1] 44:1</p> <p>certain [9] 1:16 4:3 20:10 21:14 99:18 110:11 111:5 112:8 124:11</p> <p>certificate [1] 47:20</p> <p>Certified [3] 1:22 124:5 125:15</p> <p>certify [5] 123:10 124:6,14</p>	<p data-cs="4" data-kind="parent" style="text-align: center;">-C-</p> <p data-kind="ghost"></p> <p data-kind="ghost"></p> <p data-kind="ghost"></p>	

37:7 41:1,2 43:8 46:1 51:19,23 52:4 53:23 54:9,17 62:12 65:5 67:8 71:16 73:11,15 75:7,8,10 79:15 80:18 86:24 87:16 88:8 88:18 95:7 99:20 110:2 111:12 111:22 112:3,4 115:13,17 121:16 124:22 correction [2] 123:16,18 corrections [1] 123:15 correctly [1] 19:24 cost [4] 22:3 49:11,11,18 counsel [3] 7:18,24 125:5 count [1] 85:10 counter-measure [1] 42:23 County [11] 1:2,4,7,24 123:2,4 124:2,4,9,13 125:17 couple [5] 12:20 13:2 23:5 34:18 120:16 course [1] 34:5 court [5] 1:3,20 13:17 123:3 124:12 cover [2] 43:16 111:16 covered [3] 43:24 44:3 47:23 Creek [1] 101:24 current [2] 4:21 48:1 Curtiss [12] 17:1,2,5,8 30:18 31:7 45:8 82:3,12 103:14 109:24 121:3 cutoff [1] 31:20 cutting [1] 86:1	denoted [1] 107:3 Dental [2] 5:17,19 department [14] 20:8 21:4,5,5 27:23 28:1 31:11 44:18,21 57:2 103:4 105:21 106:3,107:10 depicted [1] 45:7 depiction [4] 100:15,19 104:11 104:23 depleter [1] 72:10 depletion [1] 72:9 DEPONENT [1] 122:4 deposed [1] 13:10 deposition [22] 1:14 3:16 7:12 8:2,5 9:4,18 10:20 12:2 13:13 14:4 46:10,16 69:9 81:12,16 113:4,12 114:16 120:4 123:11 125:2 depositions [1] 1:21 depth [1] 14:19 describe [9] 6:1 23:8 30:3 32:7 32:13 36:9,16 46:22 66:18 described [5] 6:22,24 38:18 104:1 111:21 describes [1] 76:13 designed [2] 107:9,11 desk [2] 36:11 37:21 details [2] 19:11 30:1 detected [2] 52:3,6 determine [3] 48:6,9 92:22 Detrex [7] 44:7,8 47:1,7 49:3,5 49:14 different [13] 12:15 19:17 20:13 21:15 29:12 31:13 32:2 33:6 56:18 57:2,8,9 86:12 dig [1] 59:5 diked [1] 44:3 dimension [2] 37:11 102:13 dimensions [2] 83:15 108:4 direct [1] 88:2 Directing [3] 17:11 83:5 102:9 direction [1] 100:17 directly [3] 6:10 107:7,7 discharge [4] 99:3,6,9,20 discharged [1] 121:12 discovery [3] 1:14,21 8:4 discuss [3] 11:16 12:9 15:5 discussing [2] 75:5 77:8 discussion [1] 11:17 disgruntled [1] 121:11 disposal [3] 34:20 49:10 101:17 disposed [1] 55:11 disposes [2] 43:2 44:5 dissolves [1] 20:12 distinguishing [1] 34:24 District [7] 53:9,13 98:19,20 99:10 107:18 108:8 ditch [4] 100:6,7,9,10 division [5] 1:10 31:15 45:11 45:15 103:14 Dixon [1] 2:13	dock [1] 83:3 document [21] 8:1 14:13 46:9 46:21 50:16,18,20,22 51:5,9,12 51:14 76:12,16,23 81:11,17 113:3,16 114:15 115:4 documents [7] 9:7,9,13 47:4 48:7,10,13 doesn't [4] 34:9 51:18 61:24 70:3 done [5] 9:4 40:20 74:11 76:9 96:22 door [1] 13:19 down [9] 12:13 19:21 21:5 54:11 60:11 94:14 102:16 106:6 109:24 Downers [11] 2:1 5:22 16:3,7 28:2 44:18,21 98:21 103:4 107:17 108:7 downtown [1] 16:7 dozen [1] 33:9 drain [2] 102:12 106:19 drains [4] 100:10 101:24 102:15 106:14 draw [1] 92:7 drawing [9] 102:12 103:16 104:5,8 107:3 108:15,16,24 109:19 drawings [2] 82:6 103:5 drew [1] 75:4 drill [1] 38:23 drinking [2] 15:17 17:13 drive [4] 2:14 83:19,21 109:23 drum [7] 35:5,20,21,23 38:1,1 38:2 drums [10] 34:18 35:10,13,17 43:7,10,11 47:13 48:4 102:16 dry [1] 37:4 DU [3] 1:2 123:2 124:2 due [1] 27:16 dug [1] 15:20 duly [3] 4:1,4 124:16 dump [6] 73:8,17,22,24 74:3,11 dumped [7] 60:7 72:14,23,24 79:17,23 80:1 DuPage [7] 1:4,7,24 123:4 124:4,12 125:17 during [6] 10:2 29:17,21 45:23 91:10 111:6 duties [1] 6:7	111:24 electroplating [1] 30:6 Ellsworth [2] 16:16,19 emergency [2] 27:24 96:10 Emery [3] 2:17 10:16,20 emission [1] 120:2 emissions [7] 64:20 65:1 66:21 66:24 69:2 119:18,23 emitted [3] 53:22 64:16 65:4 employed [11] 4:16,18 5:12,15 5:16,18 39:17 45:24 58:10 115:20 120:24 employees [5] 6:9 58:6 120:22 121:7,12 Emptied [1] 73:2 empty [1] 73:23 encountered [1] 40:17 ended [3] 21:19,20 114:3 engineer [2] 39:15 108:3 engineering [1] 5:11 engineers [1] 39:12 enter [1] 77:6 entire [1] 45:23 entity [1] 45:9 entrapped [1] 36:22 environment [10] 53:22 61:3,7 61:14 64:16 65:4 67:4 81:2,7 111:20 environmental [18] 2:5,22 4:23 6:3,5 7:6 21:22 22:19 31:3 68:15,22 69:5,11 95:14 96:8,19 112:20 118:8 epoxy [1] 32:15 equipped [1] 36:20 equivalent [2] 55:11,13 error [1] 60:22 escape [1] 79:5 estimate [4] 7:2 37:24 77:17,21 estimates [1] 22:4 estimating [1] 85:9 et [1] 123:8 Ethane [1] 71:13 event [1] 111:10 Evidently [1] 101:11 ex [3] 1:5,6 123:5 exact [1] 19:10 exactly [9] 7:3 28:11 30:24 49:2 56:20 61:18 78:11 94:20 95:5 examination [4] 1:16 3:3 4:6 120:18 examined [1] 4:5 excavation [1] 90:6 exceedancies [2] 68:1 99:12 exceedancy [3] 99:9,14,15 exceeded [2] 29:22 100:1 Excel [1] 63:7 excess [2] 29:15 54:21 exempt [1] 87:13 exempted [2] 86:17,20 exemption [1] 86:24
-D-			
D [1] 3:1 Dan [2] 13:19 78:13 DANIEL [1] 2:8 data [9] 24:14,24 25:3 59:11 64:4 65:13 68:18,21 77:6 database [1] 65:9 date [12] 4:11 7:3 21:14 26:9 82:7,8 86:11 92:18 103:8,15 113:12 114:9 dated [1] 8:2 debris [3] 34:2,3 37:2 decision [3] 21:1 22:22 39:20 deep [3] 103:22 104:19 106:9 Defendant [5] 1:16 2:11,15 4:4 13:20 Defendants [2] 1:13 123:8 define [3] 91:16 97:5 99:15 defined [1] 23:13 degrease [1] 38:13 degreaser [42] 36:12,13,18,19 36:21 37:1,3 38:11 39:16,21 40:5,23 46:5 49:22 50:5 54:8,15 54:22 55:1,5,16 56:16,19,24 57:7,21,24 58:3,7 59:16,19 71:4 71:7,16,18,21 76:3 79:4 80:15 80:18 119:9,12 degreasing [4] 36:8,10 38:7,17 degree [1] 5:10 Delaware [2] 1:11,12			
-E-			
E [4] 1:5,6 3:1,14 e-x-i-s-t [1] 88:3 east [3] 101:1 105:6 108:24 Ed [6] 11:6,12 14:7,9,10 15:9 effect [1] 13:17 efficient [1] 40:8 EIGHTEENTH [2] 1:3 123:3 Eighty [1] 114:10 either [11] 26:13,20 27:8 34:15 44:22 55:11,16 81:3 91:7 102:3			

<p>exhausted [1] 74:19 exhibit [27] 3:17 7:23 46:8,10 46:16,16,17,23 47:16 48:3 69:10 81:12,16 88:2 92:11 97:13 100:13 102:10 103:12 109:16 113:4 114:16,20,22,23 115:3 120:5 exhibits [1] 47:23 exist [2] 117:17,18 existed [1] 96:14 existing [12] 82:15 83:7,20,21 88:3 97:15 98:1 100:6,9,15 104:7 109:1 expect [3] 55:10 95:10 107:2 explain [6] 72:20 78:14 84:18 86:19 94:12,17 explaining [1] 63:3 extremely [1] 29:11</p> <hr/> <p style="text-align: center;">-F-</p> <p>F [1] 2:13 F-u-y-s [1] 4:15 F006 [1] 33:23 face [6] 9:23,23 10:1,1 11:22,22 face-to-face [2] 11:20 12:23 facilities [3] 30:16,20,22 facility [38] 27:15 29:17,22 31:7 31:16,18 32:18 33:8 34:17 35:12 35:16 36:1 38:8 41:4,14 42:13 42:14,15,22 43:6 50:9 51:15 70:9,14 71:3 82:3,12 83:2 88:15 98:21 99:19 100:1 104:1 110:1 111:2 113:9 119:15 121:1 fact [8] 7:18 8:23 22:17 23:21 26:17,20 73:9 104:15 factor [1] 19:18 fair [5] 24:16 37:12 59:23 65:12 110:22 fairly [1] 12:7 fall [1] 86:22 familiar [12] 26:12 33:3 51:22 52:19 53:8,12 80:14 82:5,5 101:4 112:8 113:7 faster [1] 92:24 February [1] 27:17 fees [1] 49:13 feet [1] 106:10 felt [2] 40:6,12 fence [2] 110:4 111:6 FESOP [4] 46:4 53:20 72:11 111:21 few [1] 44:12 fiberglass [1] 32:15 field [1] 40:13 figure [1] 48:8 filament [4] 32:10,12,12,14 file [17] 14:14 24:2,7,8,12,15,18 24:23,24 25:1,3,9,12 26:13 67:14 119:18 120:2 files [2] 15:8 51:3 filling [1] 92:24</p>	<p>film [1] 32:11 filter [1] 33:21 filtration [2] 20:4,7 fine [5] 7:4 48:10,19 75:19 92:12 finish [1] 37:4 Finley [2] 2:1 124:8 fire [10] 17:17,18 27:23 28:1 44:18,21 89:15,21 96:5,17 fired [1] 121:12 firm [1] 10:16 first [14] 4:4 38:10 46:8 56:1 70:21 71:20 82:1,8 86:10 88:5 97:19,20 109:16 124:16 five [2] 5:20 58:18 flag [1] 93:1 flash [1] 41:17 floor [13] 2:6 37:20 102:14 105:22,22 106:1,7,7,8,14,17,24 107:9 Florida [1] 119:10 flow [2] 38:24 107:14 flowed [1] 12:13 fluid [1] 38:24 flush [1] 39:1 focusing [1] 58:22 Follow [1] 105:6 followed [2] 23:14 117:8 follows [1] 4:5 foot [2] 104:19,22 force [1] 13:17 foregoing [4] 123:12,13 124:22 125:2 forget [1] 114:8 form [1] 14:23 format [1] 68:7 formula [1] 65:22 formulas [2] 66:3,15 forwarded [1] 9:15 found [3] 52:11 53:6 90:19 foundation [2] 52:12,14 four [10] 35:10,12 85:3,4,5,6,7 85:8,14 86:5 frequently [1] 109:24 fuel [2] 84:24 85:13 full [3] 35:21,22,23 functions [1] 31:22 furnaces [3] 90:21,22,22 future [2] 83:8,10 Fuys [9] 1:15 3:5 4:2,13 6:22 8:8 123:20 124:10,15</p> <hr/> <p style="text-align: center;">-G-</p> <p>gallon [6] 35:5 41:11,13 42:7,9 102:16 gallons [4] 34:15 38:4 85:23 107:20 Gary [2] 2:21 11:18 gate [2] 110:7,9 gathering [1] 13:15</p>	<p>general [7] 1:6 2:4 10:23 11:17 52:10 61:1 111:7 generally [9] 6:1,22 16:16 33:3 59:1,17 63:16 70:3 102:14 generate [1] 35:12 generated [9] 33:7 36:5 47:13 48:4,15 62:15 63:4 108:11,12 generates [3] 34:17 35:16 43:6 generator [7] 25:22 26:2,7 32:18 34:6,8,12 gentleman [2] 112:16 115:19 gentlemen [2] 39:14 63:1 given [3] 123:15 124:18,23 glad [1] 27:4 goes [4] 27:20 37:19 44:8 120:9 gone [2] 30:14 60:15 Good [1] 12:18 grading [1] 82:2 grated [2] 105:22,24 grates [1] 106:5 grating [1] 103:23 grew [1] 31:11 grinding [2] 31:20 33:20 ground [6] 42:11,12 90:16 95:10 97:7,8 Group [1] 2:22 Grove [11] 2:1 5:22 16:4,7 28:2 44:18,21 98:21 103:5 107:17 108:7 guard [3] 110:9,12 111:5 guardhouse [2] 110:17 111:5 guess [11] 16:5,6 17:21 19:20 28:14 31:20 35:9 43:24 59:4,21 108:2 guidance [1] 66:9 guiding [1] 19:18 guy [4] 21:22,22 74:23 108:2</p> <hr/> <p style="text-align: center;">-H-</p> <p>H [1] 3:14 half [2] 33:9 35:21 hand [12] 7:22 8:1 46:13,15,18 64:14 69:9 72:17 81:15 113:11 114:19 125:9 handle [2] 49:9 90:19 handled [3] 96:20 114:3 119:6 handles [1] 112:21 handling [1] 121:19 handwriting [1] 67:18 happening [1] 12:17 hard [2] 20:15 102:20 hardness [1] 18:13 Hardt [2] 112:17 115:19 Harrold [1] 2:13 hatch [1] 82:19 hate [1] 62:19 hazardous [16] 6:5 7:9 25:22 26:2,7 28:18 29:12,15 32:19 33:7,12,16 34:13 101:20 111:19 111:24</p>	<p>Head [1] 77:4 health [2] 5:10 21:4 heard [1] 45:12 heat [5] 104:6,7,12,14,18 hell [1] 19:3 help [2] 57:7 59:15 helps [1] 20:11 hereby [1] 124:6 herein [1] 4:3 heretofore [1] 124:6 hereunto [1] 125:8 high [2] 41:17 60:11 Hill [1] 53:13 hire [1] 75:15 hired [1] 7:5 historically [2] 14:3 70:16 history [1] 121:11 hold [4] 5:7 37:23 73:13,14 holding [1] 91:7 holds [1] 38:1 Honeywell [2] 1:11 2:15 house [2] 110:7,10 human [2] 17:20 18:10</p> <hr/> <p style="text-align: center;">-I-</p> <p>ID [1] 3:17 identification [4] 46:11 81:13 113:5 114:17 identified [9] 8:4 14:1 28:10,13 29:1 31:23 45:10 82:1 115:12 identify [3] 70:14 74:7,13 IEMA [1] 96:9 IEPA [1] 112:7 Illinois [27] 1:1,4,5,6,19,24 2:1 2:4,6,10,14,18 68:15,22 69:5 69:11 96:8,9,10 123:1,4,5 124:1 124:5,9,13 125:17 imagine [1] 73:12 impoundment [1] 97:8 Inc [3] 1:11 2:15 103:13 inch [1] 104:19 inches [4] 37:12,16 103:22 104:22 incident [8] 91:14 92:16,17,20 94:21 95:8 96:23 116:22 incidents [1] 121:15 include [1] 57:18 included [3] 49:10,15 53:20 includes [2] 46:23 82:8 including [2] 14:2 25:6 inclusive [1] 123:13 incorporated [1] 69:1 indicate [1] 55:16 indicated [6] 13:18 14:6 37:10 40:22 43:5 73:4 indicates [1] 80:10 Indicating [2] 37:13 102:21 individual [5] 11:11 25:14 34:10 56:22 93:22</p>
--	---	--	---

<p>individuals [2] 56:15,18 industrial [6] 16:17,20 32:9 82:15 83:7 109:1 infiltrating [1] 95:7 informal [1] 13:15 information [33] 11:9 13:13 14:20,22 15:3,6,9,10,23 59:13 62:16 65:9,14 67:12,23 68:3,6 68:12,14 69:1,21,24 70:6 72:17 75:3,4,5,10,13,17 120:4,5,9 informed [2] 13:3 92:19 initial [1] 12:12 input [1] 75:9 inserted [3] 36:13,15,17 inside [5] 82:18 83:1 87:24 111:1,14 inspection [2] 98:4,5 installed [4] 15:21 116:20,23 117:1 instructed [1] 23:15 instruction [1] 66:7 integral [1] 90:21 intend [1] 69:14 interested [1] 125:7 International [2] 1:11 2:15 interpretation [1] 80:2 interrupt [2] 113:17 117:12 intimately [1] 38:19 investigation [1] 13:24 involved [8] 22:9 25:12 30:23 38:19 40:1,18 46:3 84:15 involvement [1] 84:19 involving [1] 121:19 issue [3] 47:20 118:23 119:3 itself [1] 34:11</p> <hr/> <p style="text-align: center;">-J-</p> <p>J [2] 2:8 116:1 J-r [1] 4:15 JAMES [1] 1:5 jammed [4] 72:13 77:10 78:20 79:13 Jim [1] 74:17 job [6] 6:23,24 14:24 40:20 57:13 77:6 joint [1] 5:10 JOSEPH [2] 1:6 2:13 Joseph's [1] 101:24 Jr [7] 1:15 3:6 4:2,13 123:20 124:10,15 JUDICIAL [2] 1:3 123:3 June [3] 75:23 114:12 125:10</p> <hr/> <p style="text-align: center;">-K-</p> <p>K [1] 11:19 K-o-m-r-s-k-a [1] 11:12 K-r-a-i-g [1] 11:19 Kathy [3] 11:1 12:22 13:4 keep [2] 18:17 67:14</p>	<p>keeps [1] 20:11 KENDRA [1] 2:4 kept [1] 93:18 key [1] 110:19 kind [3] 15:1 19:15 114:2 knowledge [26] 20:24 22:11 25:11,21 26:23 27:2 38:15 50:8 51:17 52:8 56:2 57:1 68:2,8 70:10 77:19 89:9,12 91:1 93:15 95:1 96:3 102:5 111:3 121:13 121:21 knowledgeable [6] 8:14,20,24 36:1 118:22 119:2 known [1] 16:16 Komrska [1] 11:12 Kraig [4] 10:23 11:19 12:1,2</p> <hr/> <p style="text-align: center;">-L-</p> <p>L-o-r-e-n-z-e-n [1] 116:4 lab [4] 6:7,20 11:3 46:24 labeled [1] 66:21 laboratories [3] 22:14,17 23:3 laboratory [7] 18:20,21 20:19 23:24 24:3 25:6,7 Lake [3] 18:14 19:13,19 large [8] 26:1,3,4,7 32:18 34:6 34:8,12 last [10] 6:16 14:5 27:14 32:14 48:2 50:15 51:4,7 76:22 103:11 latest [1] 14:14 law [2] 2:5 10:16 lawns [1] 17:17 lawsuits [1] 13:21 lawyer [1] 112:6 leak [6] 72:14 77:11 78:21 79:14 80:11 91:23 leaked [3] 77:12 90:13,14 leaking [4] 80:5 94:23 95:11 116:15 learn [1] 39:9 least [3] 73:11,14,19 left [1] 119:1 legal [1] 113:14 legend [3] 45:7 102:21 104:18 LEPC [1] 27:23 less [2] 58:16 60:13 letter [2] 113:19 114:9 level [4] 60:12 79:10 94:8,15 likely [4] 72:14 77:10 78:21 79:13 limit [5] 29:6,16,23 64:18,19 limited [1] 31:6 limits [2] 29:3,4 line [4] 30:10 32:8,9,10 lines [1] 32:4 Lisle [1] 13:22 list [1] 29:13 listed [2] 29:18 41:24 listing [1] 29:13 live [2] 5:22 109:23</p>	<p>load [1] 57:20 loading [1] 83:3 local [2] 27:23 121:1 located [9] 30:17 45:10 85:17 92:4 100:2 109:7,18 111:11 115:22 location [1] 16:3 locations [1] 30:17 Lockformer [6] 1:10 2:11 13:20,20,23 123:8 longer [2] 18:5 116:13 look [12] 8:6 44:19 54:11 59:6 60:17,19 62:4 64:22 65:21,22 79:19 94:8 looked [3] 29:4 90:6 106:6 looking [10] 24:21 28:22 29:5 30:1 48:18 56:10 61:1 64:8 65:1 107:1 looks [9] 48:2 67:5 82:4,9,13 83:3 103:12 104:10 114:5 Lorenzen [1] 116:1 lost [11] 55:17 77:12,15,18,22 78:16,16,17,23,24 79:15 Lotus [7] 63:9,10 64:4 65:10,13 69:4 75:6 lower [1] 79:9 lowered [1] 94:6</p> <hr/> <p style="text-align: center;">-M-</p> <p>m-a-c-h [1] 76:1 M-u-e-h-l [1] 116:8 machine [7] 58:24 76:1,2,7,9 79:10 80:13 machining [1] 31:19 MADONIA [2] 2:13 120:15 mail [1] 12:15 main [2] 74:18,23 maintain [3] 24:6 120:1,2 maintained [4] 50:23 63:11 93:3,13 maintaining [3] 65:9 77:2 93:16 maintains [2] 76:15 77:4 maintenance [15] 11:6,7,8 14:7 60:10 74:5,10 75:14,16 76:5,6 76:13 77:4,5 92:21 make-up [1] 18:14 makes [2] 19:15,23 manage [1] 97:9 management [6] 6:8 90:18 96:11 97:4,5,9 manager [7] 2:22 4:24 6:3 10:23 11:1,17 12:23 manhole [5] 98:10,13,14,18 100:5 manifest [2] 47:19 75:23 Manifests [1] 47:17 manned [1] 110:17 manufacturing [1] 121:8 map [6] 44:17 45:6 92:7,10,14 107:1</p>	<p>Maple [1] 53:13 March [9] 27:16,17 72:13 75:24 76:1 77:10 79:12,18,20 Maribeth [3] 1:22 2:23 124:3 mark [6] 7:23 46:8 53:15 81:10 113:2 114:14 marked [13] 3:16 46:9,16 67:17 67:21 69:20 70:5 81:11,16 113:3 113:12 114:15,20 marks [1] 82:19 Marshal's [4] 89:15,21 96:5 96:18 material [8] 87:1 91:13 93:4,12 94:23 97:10 108:5 118:11 materials [2] 90:20 112:5 matter [2] 12:9 112:7 maximum [2] 38:1,4 may [13] 2:1 8:2 16:9 25:7 36:22 40:24 44:23 45:20 52:20 80:20 99:19 123:11 124:7 McDermott [3] 2:17 10:16,19 mean [16] 32:23 36:16 37:20 61:6 66:23 73:1 74:22 76:18 78:15,16 97:6 99:23 110:3 113:17 117:11 120:7 meaning [1] 79:1 means [2] 80:1 98:16 meant [3] 78:7 94:3,12 measure [4] 94:4,5,9 108:4 medium [1] 33:21 meet [1] 9:20 meeting [6] 10:3 11:20 12:16 12:18,23 13:1 memory [1] 74:19 mentioned [3] 32:1 34:5 70:22 met [1] 9:17 MET-COIL [1] 1:10 metallurgist [6] 4:23 5:3,4 6:3 6:7 7:5 Metelhouser [1] 95:17 methods [2] 23:19,19 MH [1] 98:10 Michigan [3] 18:15 19:13,20 microfilm [1] 103:6 middle [4] 82:14 100:22 102:11 104:5 mil [1] 20:13 mile [1] 52:10 Milwaukee [3] 103:13 112:24 115:23 mind [3] 22:18 34:4 64:22 mineral [11] 38:22 41:1,3,7,17 41:21,23 42:2,4 92:1,2 minimization [4] 50:10,12,19 51:14 minute [4] 64:12,14 85:15 112:12 minutes [3] 12:20 13:2 44:12 misleading [1] 35:18 mix [1] 106:18 mixed [1] 87:6</p>
---	--	---	--

<p>mixture [1] 92:2 model [2] 37:7 65:13 moment [5] 11:15,16 16:15 19:5 95:24 monitoring [1] 116:20 Monroe [1] 2:18 month [12] 54:12,20 55:4,8,19 56:2,13 59:2 60:18,19 62:16 99:7 monthly [11] 54:8 62:2,5 63:5 63:13,17 64:9 67:15 76:24,24 95:4 most [10] 6:19 8:14,19,23 9:10 35:24 72:14 77:10 78:21 79:13 moved [1] 16:8 moving [1] 40:21 Ms [7] 2:4 3:6 96:10 120:16,20 121:22 122:1 multi-page [2] 46:17 81:17 multiple [1] 24:15 must [1] 105:22</p> <hr/> <p style="text-align: center;">-N-</p> <hr/> <p>N [1] 3:1 N-E-T [1] 22:18 N-u-t-z-h-o-r-n [1] 6:17 name [18] 4:10,12,13 6:16 10:7 11:10,18 13:19 19:4 33:15 39:14 74:8,14 112:17 115:5,7 116:6 119:11 National [1] 22:18 nature [1] 14:19 necessarily [1] 48:6 necessary [2] 20:7 40:5 need [3] 44:14 57:13 90:23 needed [4] 22:1 73:19 113:24 114:7 needs [1] 20:10 NET [7] 22:18,19,23 23:8,15,21 24:3 never [7] 52:3 90:14 99:14,17 113:24 114:6,6 new [11] 12:7 101:1 104:6,12,14 104:18,24 105:7 108:17 109:2,6 newspaper [1] 70:7 next [8] 53:16 95:18 97:16 98:2 102:9 104:3 108:14 115:9 non-flammable [2] 108:17 109:7 None [3] 52:8 81:5 120:15 nor [2] 125:5,6 normally [2] 21:18 92:24 north [8] 45:7 83:20,21 85:18 88:14 92:6 105:16 109:20 Notarial [1] 125:9 Notary [4] 1:23 123:24 124:3 125:17 notation [9] 72:12 73:4 79:12 97:14 98:1 100:6 101:2 102:11 108:23 notations [1] 72:20</p>	<p>note [9] 45:6 72:11 75:22 77:7 80:12 102:12 103:11,16,21 noted [1] 99:9 nothing [4] 13:6 60:14 99:11 124:17 notice [5] 5:6 21:19,24 67:16 109:24 noticed [2] 95:6 112:5 notices [2] 24:19 112:7 noticing [1] 7:12 notified [1] 21:13 notify [1] 21:17 November [2] 55:12 80:4 now [37] 15:13 19:3,22 23:7 32:17 33:11 34:4,24 37:6 40:22 43:4 54:6 58:20 61:17 69:9,19 72:24 73:17 75:5 77:7 79:12 81:15,23 83:19,23 90:21 94:1 100:5 106:11,11 107:10 109:23 112:5 114:8 118:20 120:23 124:11 number [4] 3:17 14:1 46:19 80:14 numbers [1] 62:18 Nutzhorn [1] 6:15</p> <hr/> <p style="text-align: center;">-O-</p> <hr/> <p>o'clock [1] 2:2 oath [1] 13:14 observation [1] 106:11 obtain [1] 22:13 obtained [6] 44:18,20 89:15,20 96:17 103:3 occasions [1] 9:20 occupies [1] 17:8 occurred [3] 56:2 92:17 94:22 October [1] 55:12 off [3] 9:11 31:11 79:6 offhand [1] 119:11 Office [4] 89:15,21 96:5,18 offices [1] 112:22 often [5] 35:7 50:18,19 94:18 99:5 oil [15] 28:21 43:3,4 83:21 84:24 85:1,13 86:1 88:3,17,20,21 90:15 104:24 105:3 oils [4] 28:20,20 42:5,6 oily [4] 85:12 92:1,2 118:18 old [1] 19:14 older [2] 82:4,10 Once [2] 9:22 27:18 one [50] 6:13 13:7 17:24 22:20 22:21 24:11,13,15 27:20 32:8,9 33:12,21,24 34:1,2 35:17 38:2 38:9 39:11,11 43:6 47:12 48:2 53:16 54:12,20 58:8 59:14 63:19 64:20 65:17 67:7 70:10,21 75:9 77:8 78:9 85:13 89:23 91:22 96:23 104:18,22 105:5 106:5 111:10 113:24 116:21 121:3 One's [1] 32:8 ones [5] 28:14 33:17 70:17 84:24</p>	<p>120:17 ongoing [1] 51:6 onto [2] 30:7 101:11 open [1] 90:22 operate [4] 30:16,19 56:16,19 operated [6] 16:3 25:7 30:9 53:10,13 110:16 operating [2] 56:23 110:14 operation [6] 30:7 38:17,24 39:8 40:19 119:13 operations [6] 31:17,21 33:20 36:8,10,23 operators [1] 57:9 opportunity [1] 81:23 optimum [1] 40:7 order [1] 14:24 organic [2] 52:6 118:11 organization [10] 8:24 25:19 27:11 54:2 56:16 57:23 65:19 68:4 77:21 96:11 original [2] 45:16 114:2 originally [1] 113:22 OSHA [1] 121:19 osmosis [5] 20:1,1,3,6,15 ounces [1] 35:22 outcome [1] 125:7 outfits [1] 22:21 outside [2] 42:14 111:15 overall [1] 77:5 overflows [1] 106:2 owned [1] 25:7 owns [1] 41:18 oxide [1] 28:21 ozone [2] 72:8,10</p> <hr/> <p style="text-align: center;">-P-</p> <hr/> <p>P.C [1] 2:9 page [20] 1:2 3:3 46:19 67:16 78:15 82:1,8 88:5 97:13,19,20 100:13 102:10 103:11,18 104:3 109:16,17 123:2 124:2 pages [2] 8:7 123:12 papers [1] 22:20 parameters [4] 23:22 99:18,23 100:2 park [5] 16:8,14,15,17,20 parking [1] 83:20 part [6] 17:18 31:14 38:23 40:14 44:1 114:8 particles [1] 36:22 particular [4] 54:12 55:3 58:22 67:16 parties [2] 27:21 125:6 parts [14] 20:13 30:5,8 31:24 36:12,21,24 37:2 38:14 39:1 40:7,9,12 57:20 passed [2] 21:7,8 patient [1] 62:20 PCE [1] 51:15 pending [1] 124:11</p>	<p>people [19] 1:5 19:17,19 27:24 30:14 39:24 57:2,3,6,12,19 58:3 58:9 74:10,13,24 77:6 116:9 123:5 per [7] 20:13 35:13 64:15 65:2,5 66:24 67:3 perhaps [5] 43:6 55:22,24 82:9 107:3 period [7] 47:22 48:23 73:4 117:12 118:1,5,6 periodic [3] 76:8,13 92:22 periodically [5] 20:18 60:6 95:4 99:2 110:11 Perkins [2] 41:22,22 PERKOWITZ [1] 2:21 permit [15] 32:21 66:10,11 68:1 89:14,20 96:16 98:21,24 99:17 99:18 100:3 113:23,24 114:7 person [17] 8:13,19,24 11:7,8 12:4 14:5,7 35:24 74:5,7,18,18 75:1,14,16 119:5 personal [1] 26:23 personally [3] 22:9 34:20 124:7 pertaining [1] 1:20 pertains [1] 113:20 Petro-Chem [3] 116:16,17,19 Ph.D [1] 5:9 Ph.D. [1] 5:7 physically [2] 44:1 90:3 pick [2] 35:20 49:8 pickups [1] 49:16 picture [1] 104:17 pipe [1] 117:14 pit [24] 97:16 98:2,4,5 103:22 104:19,21 105:13,14,15,17,18 105:20 106:9,13,22 107:6,6,8 107:20,21,22 108:6,10 pits [4] 103:22,24 106:21 107:14 place [3] 72:16 107:10 119:10 Plaintiff [3] 1:8 2:7 123:6 plan [3] 42:23 50:19 82:2 plans [3] 81:18 115:13,17 plant [25] 4:23 5:3,4 6:2,6 7:5 12:7 14:6 16:11 18:2,5 30:10 31:9,13,14 50:7 82:6 87:24 103:1 110:14,16,20 111:6 121:3 121:8 plants [3] 30:23 31:4 121:2 plated [2] 30:6,7 plating [13] 20:8,14 30:10 33:22 33:23,24 34:1,2 105:7,9,21 106:3 107:10 plug [2] 62:17 63:6 plumbing [1] 107:3 PM [5] 75:24 76:4,8,20 77:3 Pohn [6] 2:4 3:6 96:10 120:16 120:20 121:22 point [7] 17:24 24:10 29:17 65:16 80:18 96:1 114:1 pointed [1] 66:20 pointing [1] 45:8 Polia [1] 11:1</p>
---	---	--	---

<p>pollution [2] 67:22,23 pond [12] 100:19,23,24 101:2,5 101:8,13,16,20,24 102:4,6 portion [2] 83:6,24 position [1] 58:6 positive [1] 52:21 possess [2] 32:21 42:22 possessed [1] 15:6 possible [1] 60:23 Possibly [1] 72:3 potable [6] 15:15,17 18:1,6,10 51:23 pound [1] 75:23 pounds [10] 34:16 54:14,18,21 59:15,22 73:5,11,19 79:21 Poured [1] 118:2 preassembled [2] 36:12,24 premises [3] 91:2 92:5 102:7 preparation [1] 9:4 prepare [2] 69:3 120:6 prepared [3] 44:23 66:3 103:12 prepares [1] 119:22 preparing [1] 46:4 prescribed [3] 118:1,4,5 presence [2] 8:18 124:20 present [13] 2:3,20 10:2,5 11:23 25:9 29:16 41:14 66:3 90:1,3 98:6 111:5 presented [1] 59:12 press [1] 38:23 presume [2] 99:16,18 prevention [1] 42:23 preventive [2] 76:5,6 previously [2] 77:8 94:24 print [8] 62:10 63:13,16 82:4 82:10,11,15 83:24 printed [2] 76:20 103:7 prints [1] 82:6 problem [3] 55:24 60:7 93:2 problems [5] 18:16 19:20 40:10 40:16 113:8 procedure [3] 1:18 92:21 117:8 procedures [3] 20:22 57:22 76:13 process [5] 13:23 21:12 22:9 30:4 94:9 produce [2] 8:13 32:5 produced [1] 112:6 product [29] 32:9 34:23,24 35:4 36:2 44:8 55:4 59:22 77:12,15 77:17,21 78:5,7,16,23,24 79:5 79:15 81:3,7 87:15,17 88:10,19 90:13 91:7 97:9 112:1 production [2] 31:24 40:21 Products [1] 41:22 professionally [1] 5:13 program [2] 50:10,13 programs [1] 6:6 project [2] 39:22 40:1 property [6] 15:14 31:10 51:24</p>	<p>97:4 101:5 116:20 proposed [3] 82:19,22 102:23 protection [5] 17:18 68:15,22 69:5,11 provide [6] 23:24 24:22 68:3 68:18,21 69:14 provided [4] 25:2 69:11 75:12 75:16 provisions [1] 1:18 public [5] 1:23 70:3 123:24 124:3 125:17 publish [1] 70:6 pull [1] 94:15 pulled [4] 9:10,14 14:13 22:20 pumped [3] 92:23,23 108:12 pumps [1] 108:10 purchase [7] 34:22 35:4,5,8 39:21 41:4 48:20 purchased [4] 38:11 71:19,24 119:9 purpose [10] 1:21 8:11 14:3 36:20 40:24 50:6 61:9 105:19 105:24 111:4 purposes [3] 15:15 18:6 101:17 pursuant [2] 1:17,17 put [10] 43:16 49:22 59:8 71:10 71:10 73:12 75:6 77:9 94:14 101:12 putting [1] 65:13</p> <hr/> <p style="text-align: center;">-Q-</p> <hr/> <p>quality [2] 18:13 26:1 quantify [1] 99:22 quantities [1] 35:6 quantity [14] 26:2,3,4,7 29:15 32:18 34:6,8,11,12 35:3 41:3 54:17 58:23 quarter [1] 35:22 quench [15] 28:20 83:21 84:2,4 88:3,17,20,21 90:15,21,22 97:14 97:22 104:24 105:3 questions [3] 53:18 120:14 123:14 quick [2] 62:21 120:17 quickly [1] 48:18 quote [2] 14:24 79:6 quotes [3] 22:13 23:6 49:14</p> <hr/> <p style="text-align: center;">-R-</p> <hr/> <p>R [3] 2:17,21 116:8 R-u-d-o-l-p-h [1] 4:15 raised [1] 93:1 Randolph [1] 2:5 range [2] 26:11 38:6 rather [2] 41:24 90:22 raw [2] 59:13,13 RCRA [9] 32:21,24 86:16 87:2 87:6,12,12 113:9,24 read [12] 55:15 72:17 77:9 97:15 98:2,9 100:23 102:14 103:9 114:21 122:2 123:10</p>	<p>reading [1] 55:18 real [3] 40:11 48:18 60:11 really [14] 7:3 12:5,11 13:8 16:10 25:1 30:11,15 40:15 58:14 58:19 89:23 118:12 120:17 reason [3] 25:15 55:17 80:7 receive [1] 21:24 received [1] 24:3 recognize [7] 47:4,15 82:2 102:24 104:2,7 116:6 recollection [9] 19:11 21:7 23:10 24:6 39:23 41:6 51:11 86:24 113:21 recommendations [1] 95:20 record [13] 4:10 37:9 46:17 59:5 60:18 62:24 72:16 75:24 76:4,5 76:7,20 81:17 records [8] 59:6,8,10 93:3,11 93:17,18 94:22 Recovery [1] 32:24 reduced [1] 124:21 refer [3] 32:24 78:4 88:1 referred [4] 16:14 92:16 94:10 109:9 referring [15] 16:15 74:4 78:4 78:7 87:8 88:4,13 97:12,21 102:21 103:17 105:23 109:15 115:1,16 refers [3] 76:11 113:19 115:11 reflect [5] 37:10 61:22,24 65:3 67:24 reflected [1] 54:18 reflects [3] 54:7 64:15 81:18 regarding [1] 18:14 regs [4] 7:10 28:18,19 113:22 regular [1] 117:9 regulated [4] 33:19 89:1,10,13 regulation [1] 26:10 regulations [10] 7:6 33:4 86:12 86:23 87:7,14 89:2,4,7,11 regulatory [1] 21:11 Reilly [3] 1:22 2:23 124:3 rel [3] 1:5,6 123:5 relate [1] 114:23 related [2] 49:11 125:5 relates [1] 76:7 relation [1] 111:21 release [11] 91:1,3,12,15,17,20 96:4,7 101:19 111:19,23 released [4] 61:3,6,14 107:17 releases [5] 81:1,6 96:24 97:3 111:20 releasing [1] 67:3 remember [6] 5:21 12:14 22:19 27:14 28:22 30:1 removal [1] 84:15 remove [3] 89:5 90:18 96:17 removed [23] 84:4,7,21,23 86:3 86:5,9,11 87:20 88:22 89:3,8 89:13,22 90:2,7,9,16 94:7 95:21 95:23 105:5 106:5</p>	<p>removing [2] 89:16 90:4 repair [3] 14:15 72:21 80:8 repaired [3] 72:12,22 80:4 repeat [1] 48:11 rephrase [7] 27:3,6 53:1 55:14 68:5 73:7 91:8 replace [1] 60:9 replaced [3] 55:4,17 87:22 report [47] 6:10 24:8,11,13 26:13 27:9 28:22 29:1,5,10,18 54:6,7,10 55:15,19 56:7 58:21 59:8,12 60:23 61:1,22,24 62:12 62:14 63:4 64:9,11,13 67:2,10 67:20,24 69:2,3,8,10,15,17,19 75:3,20 80:12 119:23 120:6,10 reported [5] 2:23 6:18 96:5,8 124:19 Reporter [4] 1:23 122:1 124:5 125:16 reporting [1] 29:16 reports [9] 24:7,16 46:24 47:7 48:1 68:23,24 119:18 120:2 represent [1] 13:20 represented [2] 8:19 66:20 representing [1] 12:4 represents [1] 65:14 request [2] 8:12 114:7 requested [5] 9:8 23:23 68:16 68:17,21 required [10] 23:13,16 29:18 61:16 89:4,8 92:21 99:2,5 101:12 requirement [4] 21:11 26:12 26:17 49:12 requirements [3] 21:10 23:11 28:19 reserved [1] 125:3 residential [1] 13:22 residual [1] 36:22 resin [1] 32:15 Resource [1] 32:24 responded [3] 9:6,7 116:14 response [3] 13:5 14:11 27:24 responsibilities [5] 6:2,23,24 7:8 31:3 responsibility [3] 7:1 31:2,6 responsible [9] 6:4 27:12 34:19 46:4 56:23 77:2 93:16,23 94:2 responsive [1] 9:14 result [1] 33:20 results [2] 49:12,14 retain [1] 24:2 retained [1] 103:5 retaining [1] 101:2 retention [12] 100:19,22,24 101:4,8,12,13,16,20,24 102:4,6 retired [1] 30:15 reverse [5] 20:1,1,3,6,15 review [4] 46:20 58:21 81:24 94:22 reviewed [2] 8:8 9:9</p>
---	--	---	---

<p>reviewing [2] 9:11 113:17 Rex [1] 31:14 Rexnord [81] 1:15 2:19 3:16 4:17,19 5:12 7:12 8:13,13 10:19 12:4 14:2 15:14 16:2,11,19 17:4 17:7 18:21 19:8,22 20:3,17,23 21:17 25:8,15,22 26:1,6,16,20 27:9 29:22 30:9,16 32:5 35:3,8 38:10,13,16 39:18 41:19 44:23 45:9,17,20,24 46:10,16 48:20 50:6 52:10 58:10 65:4 67:3 70:16 72:4 74:11 81:12,16 82:3 82:11 92:19 93:13 103:1,14 104:8 110:1 112:21 113:4,12 114:16,20 115:20 120:5,22 123:20 124:10,15 Rexnord's [1] 113:8 rider [5] 8:3,4,9,12 115:15 right [33] 19:3,4 20:5 23:18,18 31:9 34:4 35:2 36:6 37:18 43:4 43:21,21 46:18 55:21 61:15 69:9 71:1,14,17 75:5,11 91:20 95:3 95:12 99:21 101:1 106:11 108:24 110:24 119:7 120:23 121:5 rim [1] 100:24 rinse [1] 33:24 risk [2] 11:1 12:22 Road [2] 2:1 124:8 rolling [3] 61:17,19,23 roof [1] 100:10 rotate [1] 38:23 rotating [1] 38:24 rotator [4] 72:13 77:10 78:20 79:13 Rudolph [5] 3:5 4:2,11,13 123:20 rule [2] 21:7,7 rules [2] 1:19 96:21 run [2] 21:15 37:1 running [2] 57:14 60:17 rush [1] 74:22 RYAN [1] 1:5</p> <hr/> <p>-S-</p> <hr/> <p>s [2] 3:14 123:17 sabotage [1] 121:15 SAITH [1] 122:4 sample [4] 99:3,6 117:8,24 sampled [5] 117:4,13 118:7,11 118:15 samples [1] 117:6 sampling [2] 102:3 117:21 sanitary [8] 97:15 98:1,19,20 98:22 99:10 107:17 108:7 saw [2] 50:15 76:22 says [30] 55:9 77:9 78:20 79:17 79:22 80:4,13 82:15 83:8,21 88:3 97:15,16 98:1,9 100:6,23 101:1 102:12 103:22 104:6,12 104:14,18,24 105:6,12 109:1,2 115:11 science [1] 5:10</p>	<p>seal [3] 78:12 79:5 125:9 sealed [7] 98:12,13,15,16 100:5 117:23 118:1 seals [10] 72:13,14,22 77:11,12 78:21 79:13 80:5,5,8 second [1] 100:13 secondary [1] 42:19 secured [2] 110:1,23 security [1] 111:8 sediments [1] 102:4 see [46] 12:10 24:18 54:15 55:10 56:3,10 59:5 60:16 62:7 64:11 64:16 65:6 66:14 67:10 69:17 69:19 70:3 82:14,16,20 83:6,19 83:22 84:1 93:2 94:8,15,23 100:14,20 101:2 102:18,20 103:18 104:4,19,24 105:7,13,18 106:6,7 107:2 108:18 109:3 115:3 seeing [5] 22:19 24:8,11 113:18 115:5 seem [2] 79:21 91:18 segregated [1] 106:17 segregation [1] 106:23 send [1] 69:4 sense [1] 57:5 sent [3] 7:12 9:10 27:19 separate [2] 32:4 107:3 September [4] 55:9,12 56:13 58:24 sequence [2] 86:8 103:6 serially [1] 106:21 series [2] 107:15 108:9 serve [1] 18:1 served [1] 18:5 service [4] 14:18 15:15 17:12 53:9 Services [2] 2:22,22 set [4] 12:16 38:21 86:12 125:9 several [1] 13:21 Shafer [6] 44:23 45:10,14,16 45:18,21 shaft [4] 72:12,22 80:5,8 shed [13] 43:17,18,19,22 44:3 92:14 109:13,17,20 111:12,14 111:15,16 sheet [11] 63:6,7,10 64:5 65:22 67:13 68:18,21 69:4 75:7 123:17 sheets [1] 123:18 shields [1] 72:21 shift [1] 58:11 shifts [1] 57:9 ship [1] 43:18 short [3] 44:15 62:23 112:14 Shorthand [3] 1:22 124:5 125:15 shortly [2] 6:20 117:14 shot [1] 28:16 shoulder [2] 44:19 64:23 show [4] 7:15 44:17 64:2 109:16 showing [1] 24:9</p>	<p>side [4] 85:18 88:15 92:6 109:21 sign [1] 122:2 signature [1] 125:1 significance [1] 99:11 similar [1] 104:9 simply [1] 13:14 sit [3] 64:3 66:19 75:15 site [6] 17:12 18:20 41:8,10 52:20 121:16 sits [1] 37:18 six [1] 103:22 size [2] 36:11 37:21 slope [1] 102:12 sludge [1] 33:23 small [6] 26:2 31:10 36:11 37:6 91:23 102:15 Smith [3] 116:10,11,11 soils [1] 102:4 solids [1] 20:12 solved [1] 18:16 solvent [8] 38:22,22 40:23 70:2 70:4 73:2,6 78:9 solvents [5] 70:9,13,15 96:2 118:18 someone [11] 7:15 17:22 19:7 44:22 63:21 65:19 66:8 80:8 94:1 118:21 119:1 someplace [2] 26:11 80:11 Sometime [1] 18:7 sometimes [1] 60:8 somewhere [2] 26:10 59:23 sorry [12] 17:1 46:14 50:2 53:17 63:1 70:21 75:24 78:13 89:18 93:7 97:19 106:16 sort [1] 95:2 Sounds [1] 116:17 source [1] 18:1 south [2] 98:9 107:7 southern [1] 83:24 southwest [1] 100:18 speak [4] 10:22 21:18 39:10 65:20 speaking [2] 47:10 111:24 special [1] 106:8 specific [2] 40:16 92:18 specifically [4] 21:17 28:12 69:10 77:14 specs [1] 20:13 speculate [3] 28:14 118:17,21 speculation [1] 40:14 spell [3] 4:9,14 6:16 spend [1] 9:11 spent [3] 42:2,4 59:22 spill [1] 42:22 spills [3] 102:15,17 106:2 spinoff [1] 31:11 spirits [11] 38:22 41:1,4,7,17 41:21,23 42:2,4 92:1,2 spoke [3] 14:6,9 111:11 spread [5] 63:6,7,10 65:22</p>	<p>67:13 Springfield [1] 21:6 sprinkle [1] 17:23 sprinkling [2] 17:17,21 SS [3] 1:1 123:1 124:1 St [1] 101:24 stamp [7] 46:18 100:14 102:10 103:18,19 104:4 108:15 stamped [1] 81:18 start [2] 21:8 24:20 started [11] 7:9 12:7 21:9 24:20 49:1,20,24 50:4 71:11 80:22 93:1 starting [1] 47:24 state [24] 1:1,5,6,19,24 2:4 4:9 21:3,3,24 23:11,16,23 26:14 89:15,21 96:5,17 123:1,5 124:1 124:4,6,9 State's [1] 1:7 statement [1] 79:22 states [5] 72:12 75:22 104:5 108:16 123:14 stationed [1] 110:13 steel [2] 30:7 42:16 stenographically [1] 124:19 Steve [4] 39:16,17 40:1,4 Steve's [1] 39:20 stick [4] 94:4,6,14,18 sticking [3] 92:22 93:23 94:2 still [13] 15:14 17:12 35:22 39:17 41:13 45:18 93:12 102:6 112:3 113:16 115:20,22 119:12 stop [1] 112:11 stopped [1] 12:21 storage [37] 29:20 41:11 42:8,9 42:16,24 43:12,14 84:9,22 86:14 86:23 87:7,23 89:1,4,7,10 91:2 91:5,6,12 93:5 97:1 105:12,14 105:18,20 106:13 107:6 108:17 108:17 109:6,7 111:10 113:9 116:15 store [2] 88:19 96:2 stored [8] 41:8,10 42:3,6 43:10 85:24 87:1 91:24 Storing [1] 41:17 storm [2] 100:10 101:13 stream [4] 33:21 34:20 47:10 87:2 streams [4] 33:7,12,16 99:19 Street [9] 2:5,9,18 17:5,8 30:18 31:7 45:8 103:15 strictly [3] 33:19 49:11,17 strike [2] 64:10 104:12 struggling [1] 59:21 stuck [2] 94:13 95:4 studying [1] 56:7 stuff [4] 24:21 28:23 113:14 118:18 submitted [1] 20:19 subpoena [6] 1:17 7:11,16 8:2 8:12 12:12</p>
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<p>SUBSCRIBED [1] 123:21 subsequent [1] 80:20 substance [4] 29:12,15 101:20 111:24 substances [3] 28:9,13 111:19 suggested [1] 60:21 suggesting [4] 48:6,13 60:3 63:21 suit [1] 125:6 Suite [1] 2:10 suited [1] 92:11 supervisor [5] 6:7 22:3 57:10 57:19 58:2 supervisors [1] 58:5 supplied [1] 119:8 supplies [1] 41:20 supply [2] 44:8 68:14 support [2] 59:11 60:20 suppose [1] 68:9 supposed [1] 96:22 Supreme [1] 1:19 surface [1] 97:8 surveys [1] 21:6 swarf [1] 33:20 switch [1] 72:9 switched [5] 49:2,4,17 72:4 80:23 sworn [4] 4:1,4 123:21 124:16 system [33] 17:18 20:4,7 38:21 39:4,6 60:7,8 72:9,14,23 73:1,8 73:10,10,17,22,23 76:8 77:3,5 77:5 79:17,20,21,23 80:1,3 86:21 99:20 107:11 108:6 110:19 SYSTEMS [1] 1:10</p>	<p>121:19,20 technical [2] 6:8 21:22 Tecson [1] 2:9 telephone [2] 9:24 11:21 telling [1] 106:20 ten [2] 58:15,17 tenure [2] 90:24 91:10 terms [6] 19:18 20:12 23:13 40:20 47:8 87:23 test [9] 21:2,14 22:14 23:15,21 24:13 25:15 49:12,14 tested [14] 20:18 22:1,10,12,17 22:21 23:7,9,17 24:9 25:19 52:11,21 53:5 testified [5] 4:5 32:17 80:16 81:3 111:18 testify [1] 124:16 testimony [8] 13:16 23:20 25:18 26:19 71:19 124:18,23 125:8 testing [3] 20:23 22:19 25:11 tests [4] 21:10,15 25:5 51:22 tetrachlorethylene [1] 51:16 thank [14] 9:3 17:6 24:22 32:13 33:18 58:20 60:24 78:11 79:3 87:18 96:12 109:14 117:11 121:23 Thanks [1] 121:24 thereof [2] 1:20 125:7 thereto [1] 115:13 third [1] 103:17 thought [3] 40:4 87:5 113:22 thousand [10] 54:13,14,21 59:15,22 73:5,11,12,13,19 three [8] 5:20 10:12 27:21 32:6 86:9 99:7,8 106:10 threshold [5] 29:3,4,6,16,23 through [8] 12:13 37:1 46:20 48:1 79:5 81:19 82:19 98:17 throughout [1] 121:10 Tier [19] 26:13,13,20,21,24,24 27:8,9,10,12,15,18 28:3,5,10 28:13 29:18 41:24,24 times [5] 68:20 99:7,8 110:11 111:5 title [2] 4:21 5:2 titled [1] 8:1 to-wit [1] 124:7 today [30] 7:13 8:9,18 9:5 10:20 13:14 14:4 26:19 39:18 41:14 41:16 45:10,19 51:18 58:10 66:19 75:15 81:3 83:2,13 84:2 98:6,15 102:7 104:21 105:3 109:9 115:20 117:17 119:13 TODD [1] 2:17 together [1] 59:9 ton [1] 67:7 tons [9] 61:2 64:9,15 65:2,4 66:22,24 67:3,6 too [2] 23:19 92:12 top [4] 37:7,18 55:2 80:12 topic [2] 9:1 13:9</p>	<p>topics [2] 8:15,20 total [1] 34:9 TPI [7] 81:19,19 100:14 102:11 103:18 104:4 108:15 train [1] 58:6 trained [3] 57:12,15 58:10 training [1] 57:17 trains [2] 57:19 58:2 transcribed [1] 13:16 transcript [3] 123:11,14 124:23 transferred [1] 108:6 treat [5] 104:6,7,12,14,18 treated [1] 107:16 treatment [12] 105:15,17 106:19,22 107:8,12,13,16,22 108:6,10,13 trichlor [11] 34:5,11 36:2,7 47:11 48:4,14 73:20 79:6 80:9 80:10 trichloroethane [12] 70:19,23 70:24 71:2,6,12,20,23 72:5 80:17,21 81:8 trichloroethylene [23] 28:24 33:11 34:7,16,23 35:4,8,13,15 36:4 37:23 38:14 43:7 44:6 47:18 48:20 70:20 71:5 72:5,10 80:13,24 81:4 trouble [4] 19:14 91:16,18,21 true [2] 22:8 124:22 truth [3] 124:16,17,17 try [1] 57:8 trying [6] 48:8 59:14 60:4 85:10 94:17 100:8 turn [4] 79:18 82:1 100:12 108:14 turned [1] 25:9 Turning [1] 104:3 turnover [1] 121:6 two [16] 8:7 35:9,12,17 43:6 47:12 53:9 65:15 67:5,5 70:20 74:12 103:21,24 106:10 121:2 type [19] 6:8 20:15,19 29:13 31:20 32:2,10,16 36:19 37:3 38:22,23 39:3 40:19 70:6 92:3 97:8 109:5 110:19 types [2] 33:23 39:2 typewriting [1] 124:21 typically [8] 18:23 22:2,7 23:5 47:19 58:4 61:4 99:22</p>	<p>65:2 94:3 99:23 understood [1] 88:13 undetermined [1] 124:12 unit [8] 19:14,23 20:2 37:23 73:6 97:4,5,9 units [1] 38:8 unless [3] 60:22 68:8,9 up [18] 12:16 21:19,20 24:21 35:20 36:18 38:21 48:1 49:8 64:2 65:19,21 85:10 87:6 92:24 114:3 117:9 118:2 update [1] 67:14 updated [5] 50:20 51:5,7,9,13 usage [2] 13:24 80:9 used [29] 14:3 15:15 17:13,16 18:21 30:4 36:7 40:24 41:16 45:19 51:15 60:14 70:9,11,13 70:15 71:2,4,6,11,20 80:13,17 80:21 88:19 96:1 101:16 102:16 120:5 using [6] 23:18 36:21 37:11 38:14 57:3,23 Usually [2] 76:24 110:15 utility [1] 98:17</p> <p style="text-align: center;">-V-</p> <p>V [1] 116:10 Vallino [2] 39:16,17 Vance [2] 116:11,11 vandalism [2] 111:1 121:15 vapor [44] 36:8,9,11,13,18,19 36:21 37:1,3 38:11 39:16,21 40:5,23 46:4 49:22 50:4 54:8,14 54:22 55:1,5,16 56:16,19,23 57:6,21,23 58:3,6 59:16,18 71:4 71:7,16,18,20 76:3 79:2,4,4 80:15,17 varies [1] 33:10 various [5] 26:14 33:23 53:21 81:18 99:19 vault [2] 86:18,20 vaulted [14] 85:12,16,16,20,24 86:10,10,13,21 87:10,20,22 88:12,14 vendor [7] 18:23 19:1,6,16 41:21 44:5 50:4 verbally [1] 15:5 versus [1] 72:10 vicinity [1] 52:10 violation [1] 115:1 violations [5] 112:8 115:12,14 115:17 121:19 volatile [2] 52:5 118:11 volume [7] 36:1,4 58:22 93:4 93:12 94:5,9 VOM [2] 64:20 65:1 vs [2] 1:9 123:7</p> <p style="text-align: center;">-W-</p> <p>Wacker [1] 2:14 walled-in [1] 43:24</p>
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<p>wash [1] 102:16 Washington [1] 2:9 waste [63] 7:10 25:23 26:2,8 32:19 33:7,12,16,21 34:16,20 34:24 35:13,15 36:5 42:5,6 43:3 43:7,11 44:6 47:3,8,9,11,13 47:18,21 48:4,14 49:9 50:9,12 50:19 51:14 73:6 75:23 81:4,7 85:12 87:2,15 88:7 91:7,23,24 97:9 99:19 105:14,16 106:19,21 107:8,11,13,16,16,22 108:5,10 108:11 112:1 wastes [5] 33:22 34:9,10,13 108:11 water [51] 15:17 17:14,19,22 18:1,13,13,15,22 19:8,9,12,13 19:15,20,23 20:11,11,15,15,18 20:19 21:2,6,9,14,24 22:10,12 22:14,17 23:7,8,16,21 25:8,15 25:20 94:8 95:6,11 98:19 100:7 100:10 101:13 102:3,16 106:3 106:19 107:11 108:10 waters [4] 33:24 92:1,2 118:18 weekends [1] 110:15 Weekly [1] 95:4 Weiner [17] 2:17 7:20 10:8 44:11 52:12,16 56:4 61:5,9 62:22 78:2,13 79:8 112:11 121:24 122:2,3 wells [17] 13:22 52:9,21 53:5,10 53:12 116:20,22,24 117:3,7,13 117:16,21 118:6,10,14 west [10] 2:5,9,14,18 83:7 97:14 97:24 98:8 104:11,17 western [1] 83:6 wet [1] 102:14 WHEATON [2] 1:4 123:4 whereof [1] 125:8 whole [5] 25:1 60:7,8 73:8 124:17 wide [1] 37:15 Wildman [1] 2:13 winding [1] 31:19 Wisconsin [3] 16:22 103:14 112:23 withdrew [2] 114:2,7 within [33] 1:23 8:13,24 10:18 14:6 16:19 20:22 21:17 25:14 27:11 36:1 42:13,15 43:14,22 50:23,23 52:10 54:1,6 56:15 57:23 65:19 66:8,9 68:4,7 74:10 77:20 92:11 104:1 118:21 124:4 without [4] 18:10 28:22 29:5 30:1 witness [16] 3:3 4:1,3 52:24 56:9 61:13,16 78:8,12 79:9 96:13 124:11,19,20,24 125:2 word [5] 70:4 94:22 97:16 98:2 98:9 words [1] 50:23 worked [2] 21:12 39:7 wound [4] 32:10,11,12,14 writing [1] 100:23 written [11] 14:23 15:2 20:22</p>	<p>50:12 57:22 76:12,15,18 93:3 93:11,17 -X- X [2] 3:1,14 -Y- yard [1] 37:14 year [25] 29:17,21 33:10,10 34:18 35:10,13 43:7 47:13 48:1 51:10,13 55:7 64:15 65:2,5 67:1 67:3,6,8 84:6 86:2 87:19 88:22 93:8 years [4] 4:20 5:2,20 6:21</p>		
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Sent By: DETREX CORPORATION;

7043473711;

Mar-16-00 10:38AM;

Laboratory Analysis Report

Lab ID#: 3918 Branch: Chicago
Drum Number: 14114
Generator: Raymond Corp.
Solvent Type: Trichloroethylene
Date Released: 3/16/2000
Weight: 204
Date Received: 03/13/2000

ROTOVAPOR TEST RESULTS

Estimated Percent Yield: 68
Percent of Recoverable Solvent: 55.74
Tare: 91.53
Tare Plus RX: 121.48
Tare Plus Residue: 103.28

WASTE ANALYSIS PLAN

Flammable: neg
Flash Point: >140
Specific Gravity: 0
pH: 0

COMPONENTS	COMPONENT % ABUNDANCE
Trichloroethylene	98.7
Benzene Oxide	0.4
Benzene	0.3
Unknown	0.6
	0
	0
	0
	0

MISCELLANEOUS ANALYSES BY REQUEST ONLY

Non Acid Acceptance (NAA): 0
Moisture Content (ppm): 0
Heat of Combustion (BTU): 0

Comments: The product was clear, and the residue was free flowing.

G. Arangoushi 3-16-00

Analyst: J. Eidenour

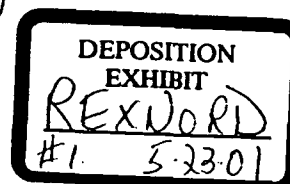
204
x .68

138.72 lbs.

Recovered

210
x .68

142.8 lbs. Recovered



CERTIFICATE OF RECYCLING / RECLAMATION

GENERATOR Remond Corporation
ADDRESS 2400 Curtiss Street
CITY Downers Grove STATE IL ZIP 60515

MANIFEST No IL 8741972
WASTE DESCRIPTION RQ, Waste Trichloroethylene, 6.1, UN1710, PG III
VOLUME 1 Drum - 204 Pounds - Approximately 17 Gallons
(Lab Test Yield = 56% Reclaimable) (Chromatograph ASTM Test 8260)

DETREX CORPORATION, SOLVENTS DIVISION DOES HEREBY MAKE NOTIFICATION TO YOU, THE GENERATOR LISTED ABOVE, OF THE ABOVE REFERENCED SHIPMENT, THAT THE ENTITLED WASTE, LISTED ABOVE, WAS PROCESSED ON 05-01-00 (DATE) AND WAS RECYCLED/RECLAIMED IN ACCORDANCE WITH ALL CURRENT FEDERAL, STATE AND LOCAL ENVIRONMENTAL REGULATIONS.

DATE 05-04-00

Thomas L. Loe
AUTHORIZED SIGNATURE

CASE TYPE

(Form Designed for use on elite (12 pitch) typewriter.)

EPA Form 6700-22 (Rev. 6-89)

Form Approved, OMB No. 2050-0039

UNIFORM HAZARDOUS WASTE MANIFEST		1. Generator's US EPA ID No. 1 L 0 0 5 4 5 5 7 1 0 0 3 9	Manifest Document No.	2. Page 1 of 1	Information in the shaded areas is not required by Federal law, but is required by Illinois law.
3. Generator's Name and Mailing Address REXMORE Corporation 2400 Curtiss Street - Downers Grove, IL 60515		Location If Different PHONE # (630) 965-1770		A. Illinois Manifest Document Number IL 8741972 FEE PAID IF APPLICABLE	
4. "24 HOUR EMERGENCY AND SPILL ASSISTANCE NUMBERS" (240) 789-3840		6. US EPA ID Number 1 L 0 0 7 4 4 2 4 9 3 0		B. Generator's IL ID Number 0 4 3 0 3 4 0 0 0 3	
5. Transporter 1 Company Name DETREX Corporation		7. Transporter 2 Company Name		C. Transporter's ID Number 0 2 9 7	
9. Designated Facility Name and Site Address DETREX Corporation 2507 LeMay Avenue Melrose Park, IL 60160		10. US EPA ID Number 1 L 0 0 7 4 4 2 4 9 3 0		D. Transporter's Phone 708/345-3800	
11. US DOT Description (Including Proper Shipping Name, Hazard Class, and ID Number)		12. Containers No. Type		13. Total Quantity	
a. Waste Trichloroethylene, 6.1, UN1710, A, III		0 0 1		14. Unit WVol	
b.				1. Waste No.	
c.				EPA HW Number F 0 C 1	
d.				0 0 2 4 0	
J. Additional Description for Materials Listed Above Additional Waste # D040 Approval # 63195000		K. Handling Codes for Wastes Listed Above in Item #14		EPA HW Number	
15. Special Handling Instructions and Additional Information ZHU #100					
16. GENERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national government regulations. If I am a large quantity generator, I certify that I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and that I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment; OR, if I am a small quantity generator, I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford.					
Printed/Typed Name Lien Devans		Signature Redish		Date 2/14/00	
17. Transporter 1 Acknowledgement of Receipt of Materials Printed/Typed Name A. J. J. J. J. J.		Signature A. J. J. J. J. J.		Date 2/14/00	
18. Transporter 2 Acknowledgement of Receipt of Materials Printed/Typed Name		Signature		Date 2/14/00	
19. Discrepancy Indication Space					
20. Facility Owner or Operator: Certification of receipt of hazardous materials covered by this manifest except as noted in Item 19.		Printed/Typed Name		Date	
		Signature		Month Day Year	

This Agency is authorized to require, pursuant to Illinois Revised Statute, 1989, Chapter 431 1/2, Section 1004 and 1021, that this information be submitted to the Agency. Failure to provide this information may result in a civil penalty against the owner or operator not to exceed \$25,000 per day of violation. Falsification of this information may result in a fine up to \$50,000 per day of violation and imprisonment up to 5 years. This form has been approved by the Forms Management Center.

Lab ID#: 2836
Drum Numbers: 13608
Generator: Rexnord
Solvent Type: Trichloroethylene
Date Released: 7/10/99

Branch: Chicago

Weight: 449
Date Received: 7/9/99

GAS Chromatograph

ROTOVAPOR TEST RESULTS

Estimated Percent Yield: 84
Percent of Recoverable Solvent: 55.76
Tare: 89.51
Tare Plus RX: 140.8
Tare Plus Residue: 109.6

WASTE ANALYSIS PLAN

Flammable: neg
Flash Point: >140
Specific Gravity: 0
pH: 0

COMPONENTS

Trichloroethylene
BuOCl
Butylene Oxide
Unknown

COMPONENT % ABUNDANCE

99.1
0.3
0.2
0.4
0
0
0
0

MISCELLANEOUS ANALYSES BY REQUEST ONLY

Non Acid Acceptance (NAA): 0
Moisture Content (ppm): 0
Heat of Combustion (BTU): 0

Comments: The product was clear, and the residue was free flowing.

Analyst: J. Riderour

Done 7/14/99

*Rich at Detrex → use 84% No.
The 55.76 No is what they use for processing
Some solvent is not included in the 55% No
because it is bound to the Residue i.
use the 84% No. DE 11-11-99*

CERTIFICATE OF RECYCLING / RECLAMATION

- GENERATOR Rexnord Corporation
ADDRESS 2400 Curtiss Street
CITY Downers Grove STATE IL ZIP 60515

MANIFEST NO IL 8665014

WASTE DESCRIPTION RQ, Waste Trichloroethylene, 6.1, UN1710, PG III

VOLUME 1 drum containing 449 lbs of which 203 lbs were recycled as waste
and 246 lbs were reclaimed as trichloroethylene.

$\frac{216}{449} = 55\%$

DETREX CORPORATION, SOLVENTS DIVISION DOES HEREBY MAKE NOTIFICATION TO YOU, THE GENERATOR LISTED ABOVE, OF THE ABOVE REFERENCED SHIPMENT, THAT THE ENTITLED WASTE, LISTED ABOVE, WAS PROCESSED ON 09-30-99 (DATE) AND WAS RECYCLED/RECLAIMED IN ACCORDANCE WITH ALL CURRENT FEDERAL, STATE AND LOCAL ENVIRONMENTAL REGULATIONS.

DATE 10-07-99

Don Latta / eoe
AUTHORIZED SIGNATURE

CERTIFICATE OF RECYCLING / RECLAMATION

GENERATOR Rexnord Corporation
ADDRESS 2400 Curtiss St.
CITY Downers Grove STATE IL ZIP 60515

MANIFEST NO IL 7912065 9/8/98 For June 98 pickup
WASTE DESCRIPTION RQ. Waste Trichloroethylene, 6.1, UN1710, PG III
VOLUME 1 Drum - 618 Pounds - Approximately 50 Gallons
(Lab Test Yield = 74% Reclaimable)

DETREX CORPORATION, SOLVENTS DIVISION DOES HEREBY MAKE NOTIFICATION TO YOU, THE GENERATOR LISTED ABOVE, OF THE ABOVE REFERENCED SHIPMENT, THAT THE ENTITLED WASTE, LISTED ABOVE, WAS PROCESSED ON 11/2/98 (DATE) AND WAS RECYCLED/RECLAIMED IN ACCORDANCE WITH ALL CURRENT FEDERAL, STATE AND LOCAL ENVIRONMENTAL REGULATIONS.

DATE 11/2/98

Danna M. Cook
AUTHORIZED SIGNATURE

USE TYPE

(Form designed for use on elite (12 pitch) typewriter.)

EPA Form 8700-22 (Rev. 5-89)

Form Approved OMB No. 2050-0039

UNIFORM HAZARDOUS
WASTE MANIFEST

1. Generator's US EPA ID No.

I L D 0 0 5 4 5 5 7 1 1 0 0 0 3 9

Manifest
Document No.

2. Page 1

of 1

Information in the shaded areas is not
required by Federal law but is required by
Illinois law

3. Generator's Name and Mailing Address

REXNORD CORPORATION

2400 CURTISS ST. - DOWNERS GROVE, IL 60515

Location If Different

PHONE: (630)

969-1770

A. Illinois Manifest Document Number

IL 7912065

FEE PAID
IF APPLICABLE

B. Generator's IL

ID Number

0 4 3 0 3 0 0 0 0 3

C. Transporter's

ID Number

0 2 9 7

D. Transporter's Phone 708 345-3806

4. "24 HOUR EMERGENCY AND SPILL ASSISTANCE NUMBERS" (248) 799-3820

5. Transporter 1 Company Name

DETREX CORPORATION

6.

US EPA ID Number

I L D 0 7 4 4 2 4 9 3 8

7. Transporter 2 Company Name

8.

US EPA ID Number

9. Designated Facility Name and Site Address

DETREX CORPORATION

2537 LE MOYNE

MELROSE PARK, IL 60160

10.

US EPA ID Number

I L D 0 7 4 4 2 4 9 3 8

E. Transporter's

ID Number

F. Transporter's Phone ()

G. Facility's IL

ID Number

0 3 1 1 1 8 6 0 0 0 3

H. Facility's Phone 708 345-3806

11. US DOT Description (Including Proper Shipping Name, Hazard Class, and ID Number)

a. RQ, WASTE TRICHLOROETHYLENE, 6.1, UN1710, PG III

12. Containers

No.

Type

13. Total
Quantity14. Unit
Wt/Vol

1. Waste No.

EPA HW Number

F 0 0 1

0 0 0 2 4 6

b.

c.

d.

J. Additional Description for Materials Listed Above

D040 (ADDITIONAL WASTE #)

K. Handling Codes for Wastes Listed Above
in Item #14

15. Special Handling Instructions and Additional Information

ERG #160

16. GENERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by
proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway
according to applicable international and national government regulations.If I am a large quantity generator, I certify that I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to
be economically practicable and that I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present
and future threat to human health and the environment; OR, if I am a small quantity generator, I have made a good faith effort to minimize my waste generation and
select the best waste management method that is available to me and that I can afford.

Printed/Typed Name

Signature

Date

DAN BEVANS

Dan Bevans

Month Day Year

09 08 98

17. Transporter 1 Acknowledgement of Receipt of Materials

Printed/Typed Name

Signature

Month Day Year

DENNIS BUTLER

Dennis Butler

Date

09 08 98

18. Transporter 2 Acknowledgement of Receipt of Materials

Printed/Typed Name

Signature

Month Day Year

19. Discrepancy Indication Space

20. Facility Owner or Operator: Certification of receipt of hazardous materials covered by this manifest except as noted in item 19.

Printed/Typed Name

Signature

Month Day Year

DONNA M. COOK

Donna M. Cook

Date

09 08 98

CERTIFICATE OF RECYCLING / RECLAMATION

GENERATOR Raymond Corporation
ADDRESS 2400 Curtiss St.
CITY Downers Grove STATE IL ZIP 60515

June 98 pickup out

MANIFEST NO IL 7912065
WASTE DESCRIPTION RQ. Waste Trichloroethylene, 6.1, UN1710, PG III
VOLUME 1 Drum - 618 Pounds - Approximately 50 Gallons
(Lab Test Yield = 74% Reclaimable) (Chromatograph ASTM Test 8260)

DETREX CORPORATION, SOLVENTS DIVISION DOES HEREBY MAKE NOTIFICATION TO YOU, THE GENERATOR LISTED ABOVE, OF THE ABOVE REFERENCED SHIPMENT, THAT THE ENTITLED WASTE, LISTED ABOVE, WAS PROCESSED ON 11/2/98 (DATE) AND WAS RECYCLED/RECLAIMED IN ACCORDANCE WITH ALL CURRENT FEDERAL, STATE AND LOCAL ENVIRONMENTAL REGULATIONS.

DATE 11/2/98

Danna M. Cook
AUTHORIZED SIGNATURE

CERTIFICATE OF RECYCLING / RECLAMATION

GENERATOR REXNORD CORPORATION
ADDRESS 2400 CURTISS ST.
CITY DOWNERS GROVE STATE IL ZIP 60515

MANIFEST NO. IL 7536125 *Rec'd 3/11/98* *Dec '98 purp out*
WASTE DESCRIPTION RQ, WASTE TRICHLOROETHYLENE, 6.1, UN1710, PG III
VOLUME 1 DRUM - 184 POUNDS - APPROXIMATELY 15 GALLONS

(LAB TEST YIELD = 71% RECLAIMABLE)

DETREX CORPORATION, SOLVENTS DIVISION DOES HEREBY MAKE NOTIFICATION TO YOU, THE GENERATOR LISTED ABOVE, OF THE ABOVE REFERENCED SHIPMENT, THAT THE ENTITLED WASTE, LISTED ABOVE, WAS PROCESSED ON 4/29/98 (DATE) AND WAS RECYCLED/RECLAIMED IN ACCORDANCE WITH ALL CURRENT FEDERAL, STATE AND LOCAL ENVIRONMENTAL REGULATIONS.

DATE 5/8/98

Danna M. Cook
AUTHORIZED SIGNATURE

From purp out on 12/15/97
Shipped 3/11/98

Report received 5/13/98, Spreadsheet adjusted
6184 @ 71% vs 175 @ 93% for Dec '97 5/13/98 AF

CERTIFICATE OF RECYCLING / RECLAMATION

GENERATOR REXNORD CORPORATION
ADDRESS 2400 CURTISS ST.
CITY DOWNERS GROVE STATE IL ZIP 60515

MANIFEST NO. IL 7457212
WASTE DESCRIPTION RQ. WASTE TRICHLOROETHYLENE, 6.1, UN1710, PGIII
VOLUME 2 DRUMS - 105 GALLONS - 1293 POUNDS - 87% YIELD TEST GAS
CHROMATOGRAPH ASTM TEST 8260

290 5797
250 999
753 9199
1293 283

DETREX CORPORATION, SOLVENTS DIVISION DOES HEREBY MAKE NOTIFICATION TO YOU, THE GENERATOR LISTED ABOVE, OF THE ABOVE REFERENCED SHIPMENT, THAT THE ENTITLED WASTE, LISTED ABOVE, WAS PROCESSED ON 10-17-97 (DATE) AND WAS RECYCLED/RECLAIMED IN ACCORDANCE WITH ALL CURRENT FEDERAL, STATE AND LOCAL ENVIRONMENTAL REGULATIONS.

DATE 11/5/97

Dan M. Cook
AUTHORIZED SIGNATURE

orig mailed to Rudy Fuchs on 11-5-97



WRR Environmental Services Co., Inc.

715-834-9624 FAX 715-

5200 State Road 93, Eau Claire.

"Dedicated to Providing Quality Service"

November 8, 1996

Rexnord Corp
Attn: Rudy Fuys
2324 Curtiss St
Downers Grove IL 60515

RE: Shipments of ID #9303022-1RM536, Trichloroethylene

Dear Rudy:

This is in response to your request for the percentage of trichloroethylene in your last shipments of profile ID #9303022-1RM536. The following *estimates* were derived from distillation, density and gas chromatography of your material.

<u>Shipment Date</u>	<u>Load #</u>	<u>% Trichloroethylene</u>
6/15/95	52453	70-72%
1/17/96	60322	95%
6/18/96	62536	92%

In the future, if you wish to receive a Laboratory Report of Incoming Materials on each load, a request must be made to Customer Service prior to the shipment of the material. A \$50.00 charge will be incurred. This report will include the results of a solvent scan utilizing a gas chromatograph. It will report whether or not your waste stream contained any of the following solvents and at what concentrations: acetone, benzene, n-butyl alcohol, sec-butyl alcohol, t-butyl alcohol, cyclohexane, 1,2 dichloroethylene, methylene, trichloro, trifluoroethane, isopropyl alcohol, methanol, methoxyethanol, methyl isobutyl ketone, methyl ethyl ketone, styrene, perchloroethylene, toluene, 1-1-1 trichloroethane, trichloroethylene, vinyl acetate, xylene (mixed isomers).

If you have any further questions, you may reach me at 715-836-9764.

Sincerely,

WRR ENVIRONMENTAL SERVICES CO., INC.

Eila R. Goins

Eila R. Goins
Customer Service Manager

000032

Need to have wt & % of Product determined via

*Call
WRR re T-017
11/22/96
They will
charge \$50/analysis
11/25/96
RT*

CONFIDENTIAL

FILE AIRPULL 7/1/94

Vapor Degreaser

FESOP Permit I.D. No. 043030AAU, Application No. 73021936

Trichloroethylene used in machine # 1038		USAGE VOM EMISSIONS		
		lbs	lbs	tons
IEPA monthly limit		1,000	1,000	
IEPA rolling 12 month limit (3.0 T/Yr)				3.00
IEPA rolling 12 mo. ave. monthly emission limit		500	500	
NESHAP rolling 3 mo. ave. mo. emission limit (12/2/97)		405		
NESHAP rolling 3 mo. annual limit starting 12/2/97				2.43

NOTE June 1995 500 lb waste from Manifest, all others from PM record for MACH 1038.
 Dec 1996 New Thermosats, temp measuring & feedback devices and unit replumbed.
 April 22, 1997, thermostats reset and set to fixed position to avoid temp. creep Exhaust fan shut off
 June 1997 fuse problem new main heater installed, new vapor level thermostat installed. Dwell cycle time changed to 45 sec from 15 sec.
 Oct. 1997 Exhaust fan turned back on & run continuously over the two shifts.
 Dec 1997 1) Replaced heater lights, 2) Replaced boiler dial temp gauge with digital indicator 3) Pumped Out % is ave. of previous 5.
 Jan 1998 Repaired shaft seal, back side Run fan only when heaters are on. Work request in for repair of front shaft seal & damper installation.
 Feb 1998 Repaired shaft seal, front side and automatic damper installed on tray exhaust.
 March 1998 Work request in to automate start up and shut down. Cancelled-unit functioning fine without automation.
 Nov 1998 Repaired shaft seals. March 1999 Rotor jammed. Most likely caused seals to leak. Dumped system.
 Oct 1999 Waste analysis was 55% recovery Chan corrected from 74% to 84% for 11/98, 3/99 & 6/99.
 DEC 1999 % used to calculate Recovered lbs was changed from 84% to 68% when final test data was received in May 2000
 June 2000 Operator error Cooling system not activated prior to turning on heaters.

		VOM EMISSIONS										NESHAP LIMIT		NESHAP LIMIT		IEPA LIMIT		IEPA LIMIT							
Trichloroethylene Machine 1038				VOM		Roll 3 mo.		Roll 12 mo		12-2-97		12-2-97						ANNUAL		ANNUAL		roll 12 mo			
Added		Pumped Out		Recovery	Content	monthly	average	annual	average	annual	Roll 3 mo. ave.	Roll 3 mo. ave.	Roll 12 mo. ave	Roll 12 mo. ave	Roll 12 mo. ave	Roll 12 mo. ave	ADD	RECOVERED			Usage				
Month	lbs	lbs	%	lbs	lb/lb	lbs	lbs/mo.	tons/yr.	lbs/mo.	tons/yr.	lbs	tons	lbs	tons	lbs	tons	lbs	lbs			Pounds				
May-95	460				1	460																			
Jun-95	505	500	71	355	1	150																			
Jul-95	525				1	525																			
Aug-95	540				1	540																			
Sep-95	275				1	275																			
Oct-95	705				1	705																			
Nov-95	285				1	285																			
Dec-95	435	525	95	499	1	64																			
Jan-96	410				1	410	1.26	274	1.84	405	2.43	500	3.00												
Feb-96	300				1	300	1.29	299	1.79	405	2.43	500	3.00												
Mar-96	340				1	340	2.10	327	1.96	405	2.43	500	3.00												
Apr-96	305				1	305	1.89	353	2.12	405	2.43	500	3.00												
May-96	680				1	680	2.65	371	2.23	405	2.43	500	3.00												
Jun-96	600	445	92	409	1	191	2.35	374	2.25	405	2.43	500	3.00												
Jul-96	470			0	1	470	2.06	370	2.22	405	2.43	500	3.00												
Aug-96	330			0	1	330	1.88	352	2.11	405	2.43	500	3.00												
Sep-96	445			0	1	445	2.49	368	2.26	405	2.43	500	3.00												
Oct-96	815	265	95	252	1	563	2.88	355	2.13	405	2.43	500	3.00												
Nov-96	615			0	1	615	3.25	382	2.39	405	2.43	500	3.00												
Dec-96	368	0	0	0	1	368	3.09	418	2.51	405	2.43	500	3.00												
Jan-97	500	406	95	386	1	114	2.19	393	2.36	405	2.43	500	3.00												
Feb-97	375	0	0	0	1	375	1.71	460	2.40	405	2.43	500	3.00												
Mar-97	360	0	0	0	1	360	1.70	401	2.41	405	2.43	500	3.00												
Apr-97	440	0	0	0	1	440	2.35	413	2.48	405	2.43	500	3.00												
May-97	510	290	87	252	1	258	2.12	377	2.28	405	2.43	500	3.00												
Jun-97	400	0	0	0	1	400	2.20	385	2.37	405	2.43	500	3.00												
Jul-97	315	0	0	0	1	315	1.95	382	2.29	405	2.43	500	3.00												
Aug-97	545	250	87	218	1	328	2.09	382	2.29	405	2.43	500	3.00												
Sep-97	1,025	753	87	655	1	370	2.02	375	2.28	405	2.43	500	3.00												
Oct-97	450	0	0	0	1	450	2.29	366	2.20	405	2.43	500	3.00												
Nov-97	345	0	0	0	1	345	2.33	344	2.06	405	2.43	500	3.00												
Dec-97	580	184	71	131	1	449	2.48	350	2.10	405	2.43	500	3.00	5,845	1,841										
Jan-98	465	0	0	0	1	465	2.52	360	2.28	405	2.43	500	3.00												
Feb-98	130	0	0	0	1	130	2.08	358	2.15	405	2.43	500	3.00												
Mar-98	180	0	0	0	1	180	1.55	344	2.03	405	2.43	500	3.00												
Apr-98	140	0	0	0	1	140	0.90	319	1.91	405	2.43	500	3.00												
May-98	240	0	0	0	1	240	1.12	318	1.91	405	2.43	500	3.00												
Jun-98	740	518	74	457	1	263	1.33	308	1.85	405	2.43	500	3.00												
Jul-98	130	0	0	0	1	130	1.31	292	1.75	405	2.43	500	3.00												
Aug-98	125	0	0	0	1	125	1.08	276	1.65	405	2.43	500	3.00												
Sep-98	185	0	0	0	1	185	0.88	260	1.56	405	2.43	500	3.00												
Oct-98	260	0	0	0	1	260	1.14	244	1.47	405	2.43	500	3.00												
Nov-98	385	230	84	193	1	192	1.27	232	1.39	405	2.43	500	3.00												
Dec-98	145	0	0	0	1	145	1.19	208	1.24	405	2.43	500	3.00	3,125	851										

1 of 2

02/28/2001

000011

Jan-99	125	0	0	0	1	125	0.92	178	1.07	405	2.43	2.785
Feb-99	120	0	0	0	1	120	0.78	177	1.06	405	2.43	2.775
Mar-99	465	170	84	143	1	322	1.13	189	1.13	405	2.43	3.060
Apr-99	190	0	0	0	1	190	1.26	193	1.18	405	2.43	783
May-99	180	0	0	0	1	180	1.36	188	1.13	405	2.43	3.060
Jun-99	280	90	84	76	1	204	1.15	182	1.09	405	2.43	3.110
Jul-99	75	0	0	0	1	75	0.92	177	1.06	405	2.43	3.050
Aug-99	215	0	0	0	1	215	0.99	184	1.11	405	2.43	2.590
Sep-99	120	0	0	0	1	120	0.82	179	1.07	405	2.43	2.535
Oct-99	120	0	0	0	1	120	0.91	167	1.00	405	2.43	2.625
Nov-99	135	0	0	0	1	135	0.75	163	0.98	405	2.43	2.560
Dec-99	450	210	88	143	1	307	1.12	176	1.06	405	2.43	2.420
Jan-2000	160	0	0	0	1	160	1.20	179	1.07	405	2.43	2.170
Feb-2000	145	0	0	0	1	145	1.22	181	1.09	405	2.43	2.475
Mar-2000	265	0	0	0	1	265	1.14	176	1.08	405	2.43	2.510
Apr-2000	165	0	0	0	1	165	1.15	174	1.05	405	2.43	2.535
May-2000	120	0	0	0	1	120	1.10	169	1.02	405	2.43	2.310
Jun-2000	460	110	88	75	1	385	1.34	184	1.11	405	2.43	2.250
Jul-2000	170	0	0	0	1	170	1.35	192	1.15	405	2.43	2.430
Aug-2000	295	0	0	0	1	295	1.70	199	1.19	405	2.43	2.525
Sep-2000	170	0	0	0	1	170	1.27	203	1.22	405	2.43	2.605
Oct-2000	250	0	0	0	1	250	1.43	214	1.28	405	2.43	2.555
Nov-2000	430	205	88	139	1	291	1.42	227	1.38	405	2.43	2.785
Dec-2000	105	0	0	0	1	105	1.29	210	1.28	405	2.43	3.080
Jan-2001	175	0	0	0	1	175	1.14	211	1.27	405	3.43	2.735
Feb-2001					1							2.750
Mar-2001					1							

2475
2024 6

FUTURE
ADDITION

EXISTING INDUSTRIAL BUILDING
FLOOR EL. 704.50

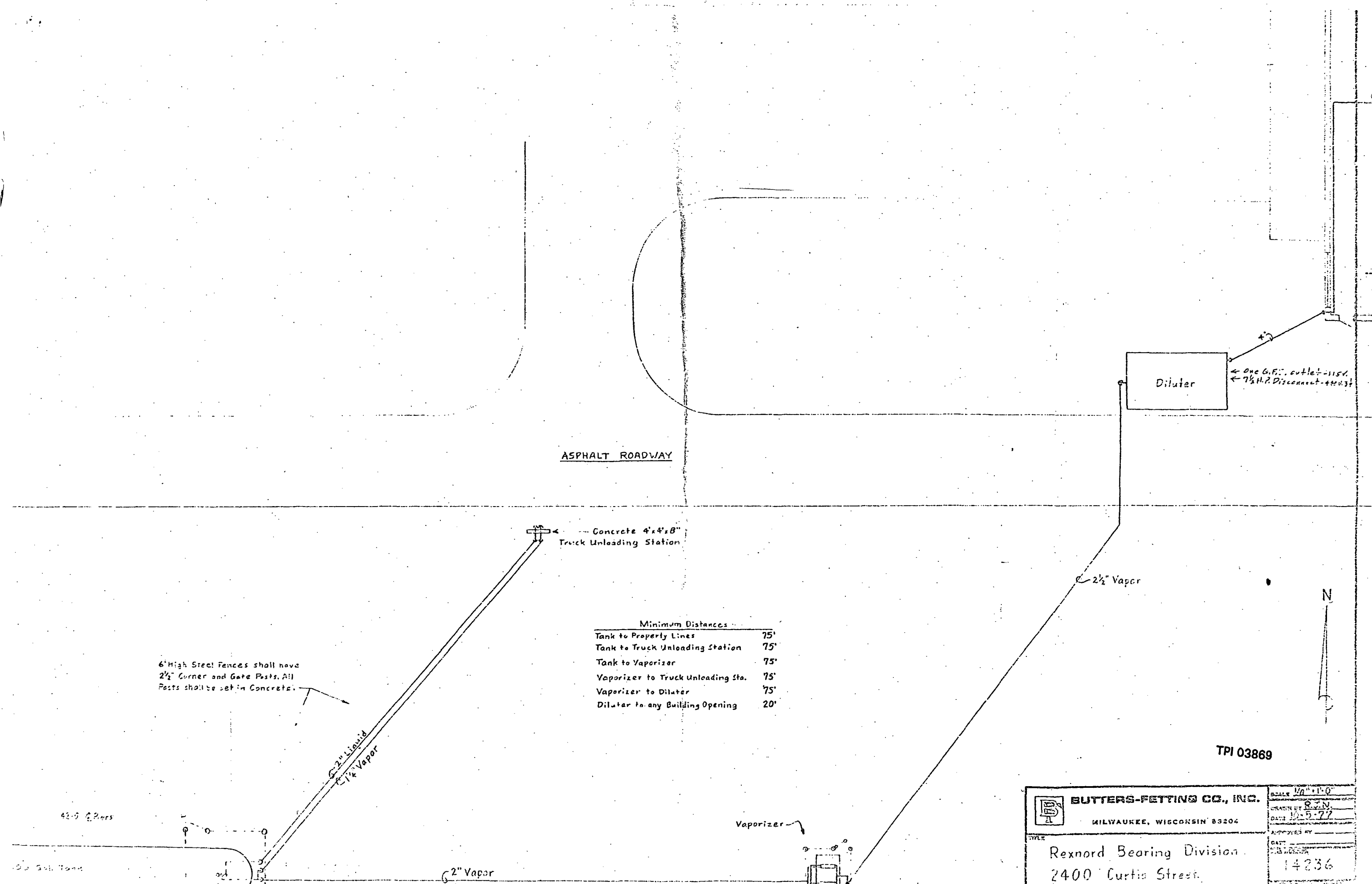


GRADING PLAN
SCALE: 1" = 30'-0"


TPI 03871

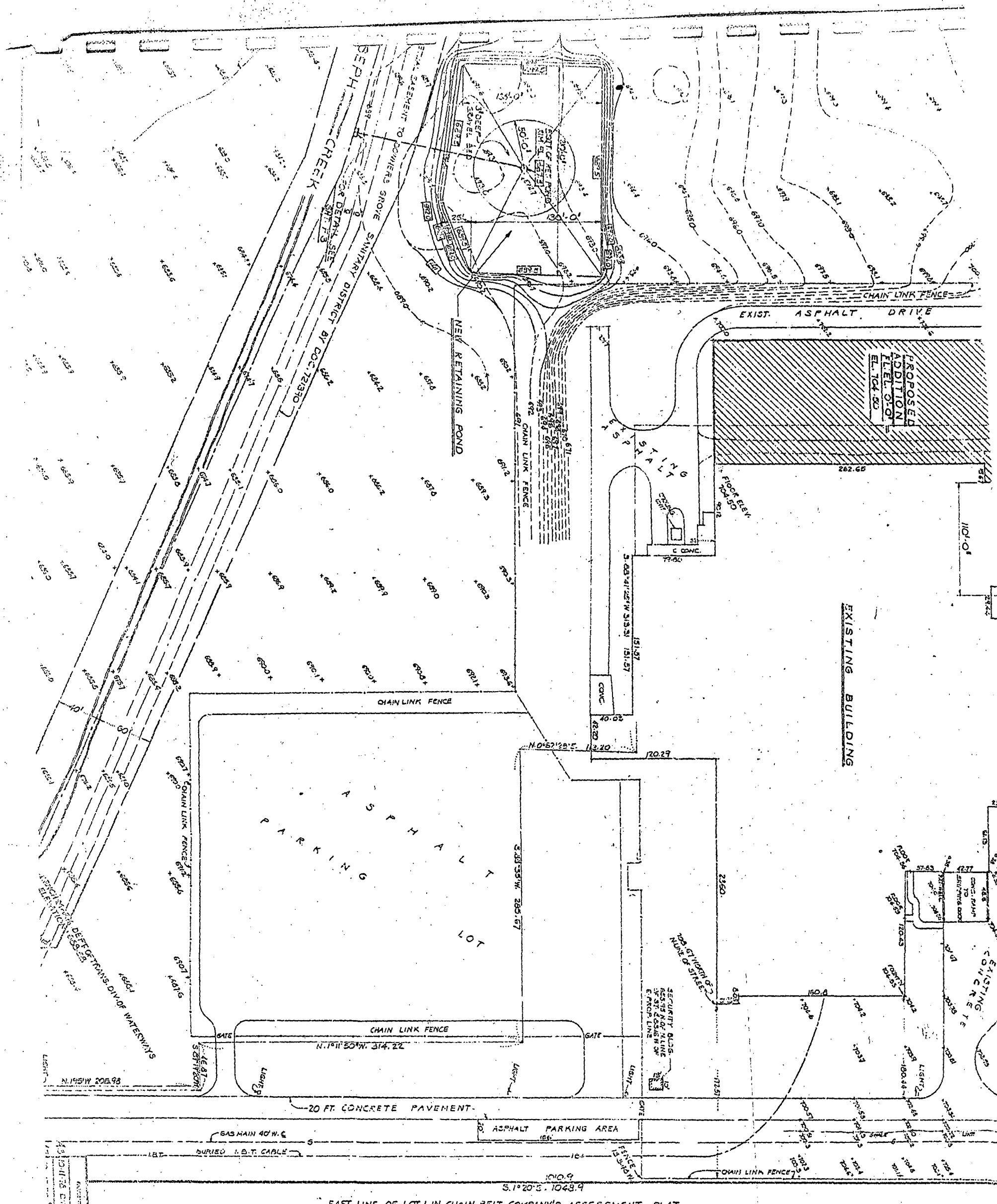
REVISIONS		GRADING PLAN	
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DEPOSITION
EXHIBIT
REXNOR
#2 6.23.01



TPI 03869

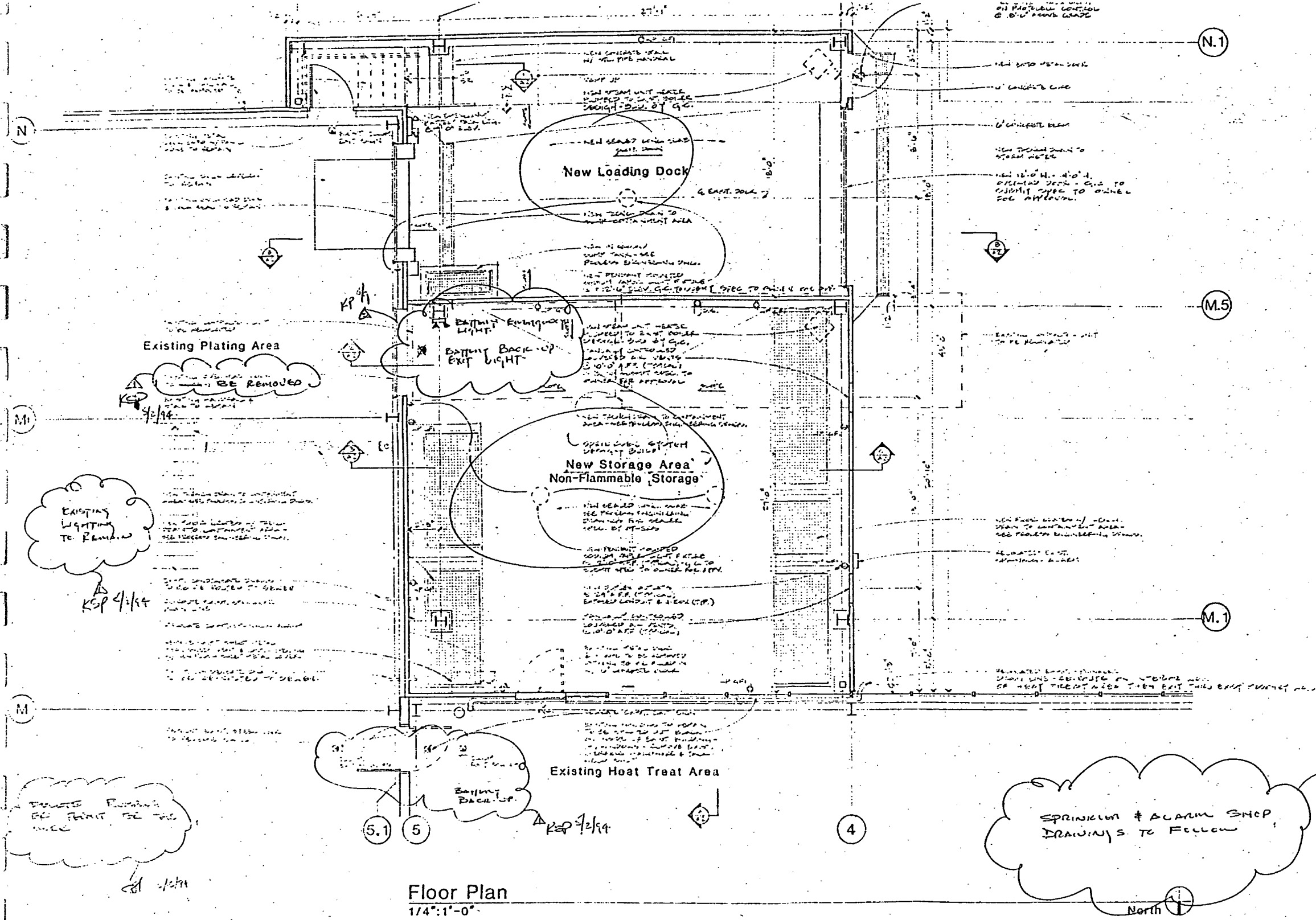
 BUTTERS-FETTING CO., INC. MILWAUKEE, WISCONSIN 53204	SCALE 1/4" = 1'-0" DRAWN BY S.F.N. DATE 10-5-77 APPROVED BY GATT 14236
	TITLE Rexnord Bearing Division 2400 Curtis Street
	GRANTEE
	CHECKED



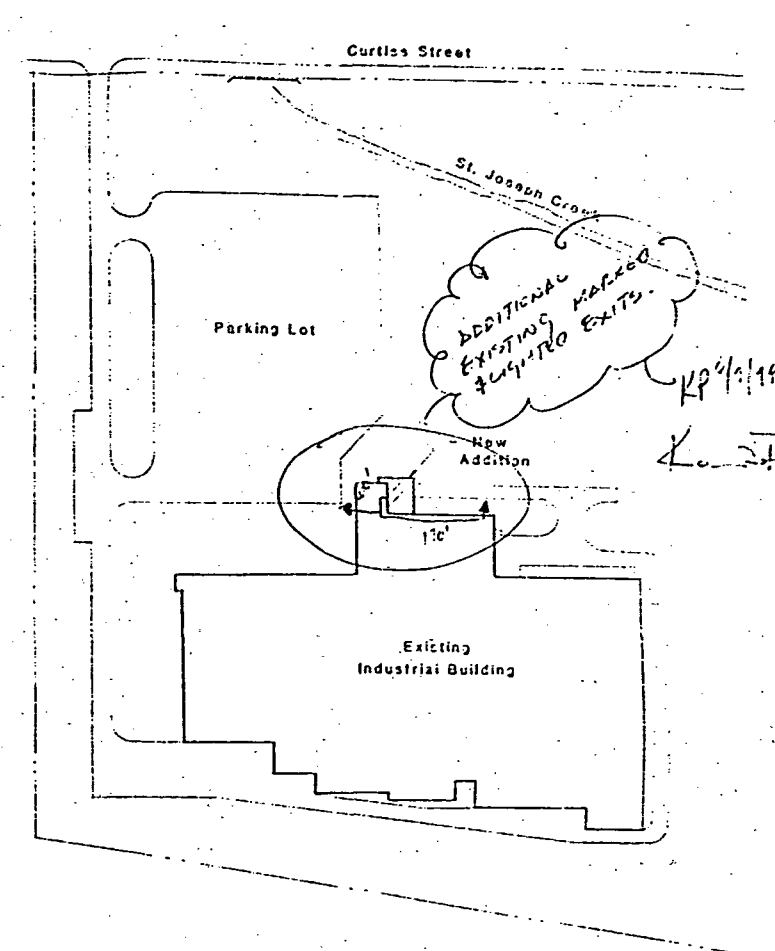
ASPHALT PARKING AREA
18' x 10' x 9'

TP1 03870

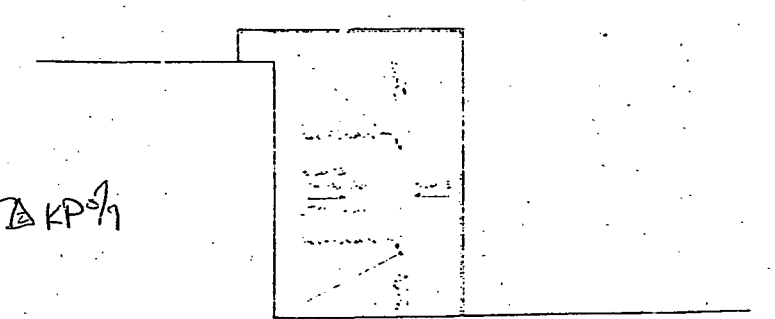
PLOT PLAN
SCALE: 1" = 20' 0"
--- EXISTING GRADES
--- NEW GRADES
703 EXISTING ELEVATIONS
703 NEW ELEVATIONS



Floor Plan
1/4"=1'-0"



Site Plan
No Scale



Roof Plan
1/16"=1'-0"

General Notes

1. All work shall be in accordance with the 1994 BOCA Building Code and 1990 National Electrical Code.

2. All materials and equipment incorporated into the work shall be of the highest quality and shall be approved by the local building department.

3. All work shall be completed within the specified time frame.

4. All work shall be done in accordance with the latest edition of the applicable codes and standards.

5. All work shall be done in accordance with the latest edition of the applicable codes and standards.

6. All work shall be done in accordance with the latest edition of the applicable codes and standards.

7. All work shall be done in accordance with the latest edition of the applicable codes and standards.

8. All work shall be done in accordance with the latest edition of the applicable codes and standards.

9. All work shall be done in accordance with the latest edition of the applicable codes and standards.

10. All work shall be done in accordance with the latest edition of the applicable codes and standards.

11. All work shall be done in accordance with the latest edition of the applicable codes and standards.

12. All work shall be done in accordance with the latest edition of the applicable codes and standards.

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17. All work shall be done in accordance with the latest edition of the applicable codes and standards.

18. All work shall be done in accordance with the latest edition of the applicable codes and standards.

19. All work shall be done in accordance with the latest edition of the applicable codes and standards.

20. All work shall be done in accordance with the latest edition of the applicable codes and standards.

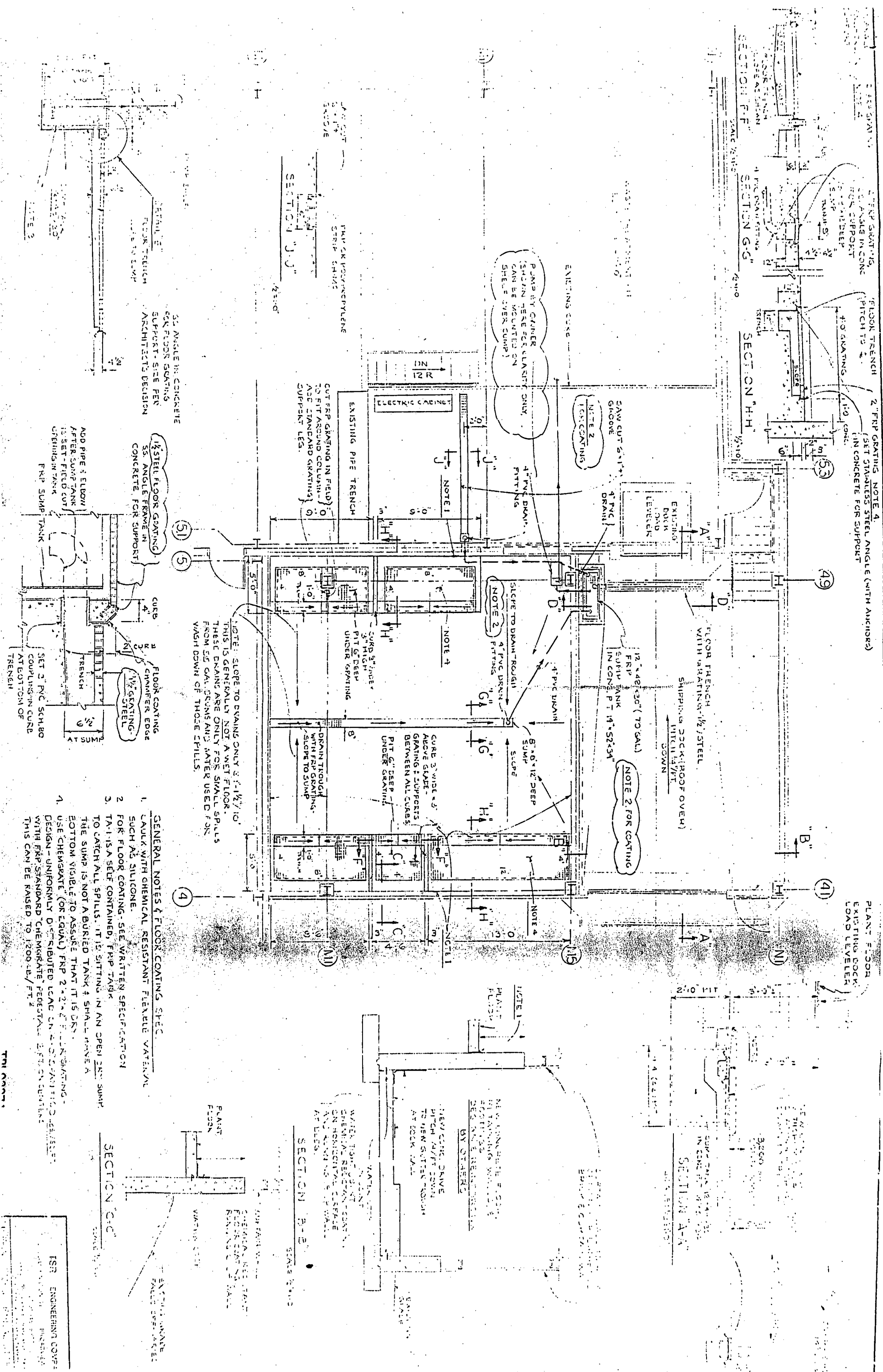
Schedule of Drawings

- A1 Floor Plan, Site Plan, Roof Plan, General Notes
- A2 Elevations, Sections, Details
- S1 Foundation Plan, Framing Plan, Details, General Notes
- S2 Details

R-93-1R Process Engineering Drawing

TPI 03872

Rexnord Corp
2400 Curtiss St
Downers Grove, IL
60130-2041





217/782-6761

Refer to: 0430300003 -- DuPage County FA133
Downer's Grove/Rexnord
ILD005455571

PRE-ENFORCEMENT CONFERENCE LETTER

Certified # P 731 918 921

June 18, 1985

Aaron L. Hardt
Rexnord, Inc.
350 N. Sunny Slope
Brookfield, Wisconsin 53005

Dear Mr. Hardt:

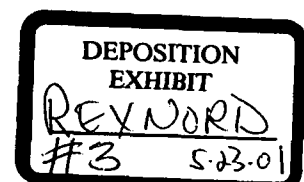
The Agency has previously informed Rexnord, Inc. of apparent violations of the Illinois Environmental Protection Act and/or rules and regulations adopted thereunder. These apparent violations are set forth in Attachment A of this letter.

As a result of these apparent violations, it is our intent to refer this matter to the Agency's legal staff for the preparation of a formal enforcement case. The Agency's legal staff will, in turn, refer this matter to the Office of Attorney General or to the United States Environmental Protection Agency for the filing of a formal complaint.

Prior to taking such action, however, you are requested to attend a Pre-Enforcement Conference to be held at the Division of Land Pollution Control, 2200 Churchill Road, Springfield, Illinois 62706. The purpose of this Conference will be:

1. To discuss the validity of the apparent violations noted by Agency staff, and
2. To arrive at a program to eliminate existing and/or future violations.

You should, therefore, bring such personnel and records to the conference as will enable a complete discussion of the above items. We have scheduled the Conference for July 10, 1985, at 10:00 a.m. If this arrangement is inconvenient, please contact Michelle Tebrugge at 217/782-4462 to arrange for an alternative date and time.



000137



Page 2

In addition, please be advised that this letter constitutes the notice required by Section 31(d) of the Illinois Environmental Protection Act prior to the filing of a formal complaint. The cited Section of the Illinois Environmental Protection Act requires the Agency to inform you of the charges which are to be alleged and offer you the opportunity to meet with appropriate officials within thirty days of this notice date in an effort to resolve such conflict which could lead to the filing of formal action.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael F. Nechvatal", written over a horizontal line.

Michael F. Nechvatal, Manager
Compliance Monitoring Section
Division of Land Pollution Control

MFN:MT:jd/1322E/1-2

Attachment

cc: Division File
Region
Northern
Paul Jagiello
Andy Vollmer
Michelle Tebrugge

000138



Attachment A

1. Pursuant to 35 Ill. Adm. Code 725.211, the owner or operator must close his facility in a manner that minimizes the need for further maintenance and controls, minimizes or eliminates, to the extent necessary to protect human health and the environment, post-closure escape of hazardous waste, hazardous waste constituents, leachate, contaminated rainfall or waste decomposition products to the ground or surface waters or to the atmosphere. You are in apparent violation of 35 Ill. Adm. Code 725.211 for the following reason(s): You have failed to show how and when decontamination will be carried out; type of cleaning material and equipment to be used; disposal of cleaning wastes and residues; list of piping, equipment, tanks and structures to be decontaminated; tests for contamination; soil testing; and disposal of soil if it is contaminated.
2. Pursuant to 35 Ill. Adm. Code 725.212(a), by May 19, 1981, the owner or operator must have a written closure plan. A copy of the closure plan and all revisions must be kept at the facility until closure is completed and certified. The closure plan must include at least:
 - a. A description of how and when the facility will be partially closed, if applicable, and finally closed. The plan must identify how the requirements of Sections 725.211, 725.213, 725.214 and 725.215 and applicable requirements of 725.297, 725.328, 725.380, 725.410, 725.451, 725.481 and 725.504 will be met;
 - b. An estimate of the maximum inventory of wastes in storage and in treatment at any time during the life of the facility;
 - c. A description of the steps needed to decontaminate facility equipment during closure;
 - d. An estimate of the expected year of closure and a schedule for final closure;
 - e. A provision for closure certification by an independent registered professional engineer.

You are in apparent violation of 35 Ill. Adm. Code 725.212(a) for the following reason(s): You have failed to meet the requirements of conditions a, b, and d.

MT:jd/1322E/3

May 16, 1985

Corporate Offices
350 N. Sunny Slope
Brookfield, WI 53005
414/797-6900

TWX: 910/262-3405
TELEX: 26-727

Mark A. Haney, Manager
Facilities Compliance Unit
Compliance Monitoring Section
Division of Land Pollution Control
Illinois EPA
2200 Churchill Road
Springfield, IL 62706

References: 0430300003--DuPage County/FA 133
Downers Grove/Rexnord ILD 005455571

Dear Mr. Haney:

Responsive to your letter of April 12, 1985 to Rexnord concerning our above-referenced facility and inquiring as to our position with respect to the apparent violations identified in Attachment A thereto and our plans to correct these apparent violations, we are pleased to inform you that these apparent violations have been corrected. A copy of our letter to Rama K. Chaturvedi and all attachments thereto are enclosed herewith for your perusal.

Very truly yours,

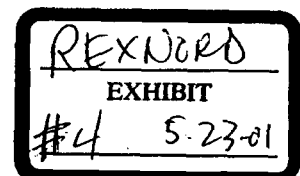
Rexnord Inc.

Aaron L. Hardt
Environmental Counsel
Legal Department
(414)797-5687

/lml

bcc: R. Fuys (Bearings)
J. Lorenzen (CH)
R. Muehl (CH)
V. Smith (CH)

ALH:0514206R



000140

1993-1994

[illegible]

$\frac{1}{2} \left(\frac{1}{2} \right) = \frac{1}{4}$

1. DATE
 2. NAME
 3. ADDRESS
 4. CITY
 5. STATE
 6. ZIP

Journal of Management Studies, 19(6), 701-718.

[illegible]

OFFICE OF THE
COUNSEL

[illegible][illegible][illegible]

Journal of Management Studies, 19(1), 67-80.

OFFICE OF REGIONAL
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